

EXHIBIT D

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

COPY

SECURITIES INVESTOR PROTECTION)
CORPORATION,)
Plaintiff-Applicant,)
vs.) Adv. Pro. No.: 08-01789
BERNARD L. MADOFF INVESTMENT) (SMB)
SECURITIES LLC,)
Defendant.)
In Re:)
BERNARD L. MADOFF,)
Debtor.)
IRVING H. PICARD, TRUSTEE FOR THE)
SUBSTANTIVELY CONSOLIDATED SIPA)
LIQUIDATION OF BERNARD L. MADOFF)
INVESTMENT SECURITIES LLC AND)
BERNARD L. MADOFF,)
Plaintiff,)
vs.) Adv. Pro. No.: 10-04539
THE GERALD AND BARBARA KELLER) (SMB)
FAMILY TRUST, GERALD E. KELLER,)
INDIVIDUALLY AND IN HIS CAPACITY AS)
TRUSTEE OF THE GERALD AND BARBARA)
KELLER FAMILY TRUST, BARBARA)
KELLER, INDIVIDUALLY AND IN HER)
CAPACITY AS TRUSTEE OF THE GERALD)
AND BARBARA KELLER FAMILY TRUST,)
Defendants.)

Videotaped Deposition of:

GERALD E. KELLER

Date:

September 13, 2017

Reported by:

Stephanie P. Borthwick

C.S.R. No. 12088

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<p>1 Deposition of GERALD E. KELLER, taken on behalf 2 of the Plaintiff, before Stephanie P. Borthwick, a 3 Certified Shorthand Reporter, commencing at the hour 4 of 10:12 a.m., Wednesday, September 13, 2017, at the 5 offices of Litigation Services, 74199 El Paseo 6 Drive, Suite 202, Palm Desert, California. 7 APPEARANCES: 8 For the Plaintiff: 9 BAKER & HOSTETLER LLP Attorneys at Law BY: MARIE L. CARLISLE, ESQ. 10 811 Main Street Suite 1100 Houston, Texas 77002-6111 11 (713) 646-1388 mcarlisle@bakerlaw.com 12 13 For the Defendants: 14 CHAITMAN LLP Attorneys at Law 15 TELEPHONICALLY BY: JENNIFER ALLIM, ESQ. 16 465 Park Avenue New York, New York 10022 17 (888) 759-1114 jallim@chaitmanllp.com 18 19 Videographer: 20 Luis Garcia 21 22 23 24 25 </p>	<p>1 Exhibit 21 10-04539_Defendant_0001002-03 56 2 Exhibit 22 10_04539_Defendant_0000281 57 3 Exhibit 24 MADWAA00384184-289 59 4 Exhibit 25 10-04539_Defendant_0000562-66 61 5 Exhibit 27 AMF00058423 63 6 Exhibit 28 10-04539_Defendant_0000910 64 7 Exhibit 29 JPMSAF0021471 66 8 Exhibit 30 MADWAA00223841-42 68 9 Exhibit 32 AMF00058422 68 10 Exhibit 33 JPMSAF0023163 69 11 Exhibit 34 MADWAA00228959-60 70 12 Exhibit 36 AMF00058421 70 13 Exhibit 38 JPMSAF0024422 71 14 Exhibit 40 AMF00058420 72 15 Exhibit 41 JPMSAF0027252 73 16 Exhibit 42 MADWAA00351749-50 73 17 Exhibit 44 AMF00058419 74 18 Exhibit 45 JPMSAF0029877 74 19 Exhibit 46 MADWAA00334221-22 75 20 Exhibit 48 AMF00058418 76 21 Exhibit 49 JPMSAF0033283-84 77 22 Exhibit 50 MADWAA00161898-99 77 23 Exhibit 52 AMF00058416 78 24 Exhibit 53 JPMSAF0034729 79 25 Exhibit 54 MADWAA00175548-49 80 </p>
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<p style="text-align: right;">Page 10</p> <p>1 the little section at the beginning of the page 10 2 and then go into f. 3 A. Okay. 4 Q. And if at any time I misstate something, 5 please let me know. Paragraph 10f states: 6 "Confidential Material shall not 7 be given, shown, made available or 8 communicated in any way to any person 9 or entity other than the following," 10 and then subparagraph f, "A witness 11 at any deposition in the Actions or 12 Rule 2004 examination and such 13 witness's counsel, provided that 14 before providing any Confidential 15 Material to any witness or counsel 16 pursuant to this subparagraph; (i) 17 the party intending to disclose the 18 confidential material, (the 'Noticing 19 Party') shall make a good faith 20 effort to provide notice of its 21 intent to use the Confidential 22 Material to the producing party and 23 any party to whom the Confidential 24 Material relates at least four 25 business days prior to the</p>	<p style="text-align: right;">Page 12</p> <p>1 by this Order. 2 "Counsel taking the deposition 3 or Rule 2004 examination shall 4 designate all portions of the 5 transcript relating to the 6 Confidential Material as 7 Confidential." 8 Did I read that correctly? 9 THE WITNESS: Jennifer? 10 MS. ALLIM: Yes. 11 BY MS. CARLISLE: 12 Q. Okay. And just to give you a brief 13 summary, because I know there's a lot of legal 14 gobbledygook, part of the reason we have to do this 15 is because you're a witness and making sure you're 16 aware that this is in effect and there are no 17 documents that have been marked confidential that I 18 intend to use in this case -- in this deposition 19 today; however, if at any time you provide any 20 testimony that you believe is confidential, you can 21 let Ms. Allim or Ms. Chaitman know and they will 22 notify me and I will make sure that the portions of 23 the transcript and any related exhibits are so 24 designated. 25 Okay. Today I'm going to be asking you</p>
<p style="text-align: right;">Page 11</p> <p>1 deposition, and in all instances 2 shall provide such notice at least 3 two business days prior to the 4 deposition; (ii) such notice should 5 include the name of the deponent to 6 whom the Noticing Party intends to 7 disclose the Confidential Material, 8 the date and time of the deposition, 9 and the Bates range for all 10 confidential material to be 11 disclosed; (iii) if the producing 12 party objects to the disclosure of 13 the Confidential Material, the 14 producing party must notify the 15 Noticing Party in writing prior to 16 the deposition and simultaneously 17 request an informal conference with 18 the Court, and the Noticing Party 19 shall not be permitted to disclose 20 the Confidential Material to any 21 witness absent a court order or 22 consent of the producing party; and 23 (iv) all witnesses and their counsel 24 shall be provided with a copy of this 25 Order and shall thereafter be bound</p>	<p style="text-align: right;">Page 13</p> <p>1 some questions. If at any time I ask you a question 2 that you don't understand or you want some 3 clarification on, please let me know and I'll be 4 happy to reask it -- 5 A. And I'll ask Jennifer too. 6 Q. Certainly. 7 I also ask that you don't guess at any 8 answers. If you don't know, just let me know you 9 don't know or you don't recall and that's perfectly 10 acceptable. 11 The court reporter will be taking down your 12 answers today, even though you're on video, so I'm 13 going to ask that to the best of your ability 14 instead of saying "uh-huh" or "huh-uh" or shaking 15 your head you say "yes" or "no" clearly. 16 Also, as we go through if we can not speak 17 over one another, that way she can make sure she 18 gets everything down accurately. At any time if you 19 need to take a break, if you want to talk to 20 Jennifer or anything like that, just let me know. 21 You need to answer whatever question has been asked, 22 but once you've done that you can take a break for 23 long as you like. 24 A. Okay. 25 Q. Before we begin, are you taking any</p>

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5 (Pages 14 to 17)

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1 medications that may impair your ability to testify
 2 today?

3 A. No.

4 Q. Any that would impact your memory?

5 A. No.

6 Q. No. Okay. Thank you.

7 A. Other than old age.

8 MS. CARLISLE: You know what? Happens to
 9 all of us.

10 Okay. I'm going to hand you then what has
 11 been marked as Exhibit No. 2.

12 (Exhibit 2 was marked for identification.)

13 BY MS. CARLISLE:

14 Q. And, Mr. Keller, have you seen Exhibit 2
 15 before today?

16 A. Yes.

17 Q. I've seen this, haven't I, Jennifer?

18 MS. ALLIM: Yes.

19 BY MS. CARLISLE:

20 Q. Okay. And turning to the very last page
 21 that's marked as Exhibit A --

22 A. Yes.

23 Q. -- have you seen this list specifically
 24 before today?

25 A. Yes.

Page 14

Page 16

1 Okay. Other than that, was there anybody
 2 else you met with or anything else you did?

3 A. No.

4 Q. Okay. Can you please provide your current
 5 address for the record.

6 A. 12161 St. Andrews Drive, Rancho Mirage,
 7 California, 92270.

8 Q. And, Mr. Keller, are you currently
 9 employed?

10 A. As a consultant more than a full-time
 11 worker.

12 Q. Okay. Okay. And what area do you provide
 13 consulting services in?

14 A. We have a small publishing company that's
 15 left. I do work with them and we work with some
 16 restaurants and I do some consulting work for them.

17 Q. Okay. When you say "small publishing" is
 18 that the Keller International?

19 A. Keller International Publishing.

20 Q. Okay. And what kind of consulting services
 21 do you provide for Keller?

22 A. Just discussing what they can do to do
 23 things better on the internet. Pretty much just
 24 general discussions of the direction they're going
 25 in.

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Page 17

1 Q. Okay. And sitting here right now are you
 2 able to answer all of these -- answer questions
 3 about all of the topics listed here on Exhibit A?

4 A. To the best of my ability.

5 Q. Okay. That's all I can ask.

6 Okay. Did you take any steps to prepare
 7 for your deposition today?

8 A. Yes. I read the previous documents, went
 9 over the information with Jennifer. That's pretty
 10 much it.

11 Q. Okay. When you say you "went over previous
 12 documents," what documents specifically are you
 13 referring to?

14 A. Well, there was some very large documents
 15 that I worked on with Jennifer a while ago, looked
 16 at them, looked at the precis from Jennifer of what
 17 we were going to talk about today and that was
 18 pretty much it.

19 Q. And you mentioned "large documents" you
 20 worked on with Jennifer a while ago, would those
 21 have been your discovery responses?

22 A. Yeah.

23 Q. Okay.

24 A. They were large and repetitive.

25 Q. I certainly understand that.

1 Q. Okay. And what kind of services do you
 2 provide for restaurants?

3 A. Pretty much similar, just discussing
 4 directions they can go in and what they can do and
 5 just my opinion of what the food is like every now
 6 and then.

7 Q. I was going to ask, you could get us all
 8 discounts.

9 Okay. What is your employment background
 10 before becoming a consultant?

11 A. I worked in publishing for 60 years for
 12 Keller Publishing.

13 Q. Okay. And when you say "worked in
 14 publishing," what types of --

15 A. Well, we started off with a small
 16 publishing, grew it up to a number of major and
 17 minor publications and sold most of it 22 years ago.

18 Q. So you just kind of work with all aspects
 19 of that?

20 A. Uh-huh.

21 Q. Okay. Before today have you ever had your
 22 deposition taken?

23 A. Once, a long time ago.

24 Q. Do you recall the circumstances?

25 A. It was a dispute about commission owed to

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6 (Pages 18 to 21)

Page 18

1 another publisher for the use of the publication.
 2

3 Q. Okay. And were you deposed on behalf then
 4 of Keller International?

5 A. Yes.

6 Q. Have you ever provided testimony in a
 7 court?

8 A. I think at one time I was an expert witness
 9 in the beverage business for one court case and I
 10 forget exactly what it was. It was a long time ago.

11 Q. Okay.

12 A. I do know it paid very well.

13 Q. Nice.

14 Okay. And do you remember what business it
 15 was for?

16 A. I don't have the slightest remembrance. I
 17 just remember that I did it.

18 Q. Okay. And do you recall what you were -- I
 19 mean I know you said an expert witness in the
 20 beverage business, what aspects of the beverage
 21 business were you an expert or designated an expert?

22 A. This was, I believe, for a franchise
 23 company against the bottler or vice versa. It was a
 24 long time ago.

25 Q. Okay. And have you ever provided any
 testimony or been interviewed in connection with the

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1 And sometimes I may use the term "you" and
 2 when I do that I'm also going to be referring to the
 3 trust since it's the defendant; however, if again
 4 you need clarification about whether I'm asking
 5 about you, personally, or the trust, let me know and
 6 I'll clarify.

7 And if I use the term "transfer" today, I'm
 8 simply going to be referring to money that went
 9 between the trust and BLMIS or vice versa, so
 10 nothing beyond just those transfers there.

11 Any questions about those?

12 A. Not yet.

13 Q. Not yet, I know.

14 Okay. When did you first hear about Bernie
 15 Madoff or BLMIS?

16 A. Oh, God. Probably 20 or 25 years ago.

17 Q. Do you recall the circumstances?

18 A. Yes. My father-in-law Marvin Cohn was an
 19 investor --

20 Q. Okay.

21 A. -- and he told me about him.

22 Q. Okay. Did you ever have the chance to meet
 23 Mr. Madoff in person?

24 A. No.

25 Q. Okay. Did anyone on behalf of the trust

Page 19

1 Madoff fraud?

2 A. No.

3 Q. To the extent you know, has anyone else
 4 been interviewed or given any testimony in
 5 connection with the Madoff fraud on behalf of the
 6 Gerald and Barbara Keller Family Trust?

7 A. No.

8 Q. Okay.

9 A. Are we done?

10 Q. Sorry, we're just getting started.

11 To aid the conversation today, I'm going to
 12 define a few terms, but, again, if at any point some
 13 of these terms you want some clarification, let me
 14 know.

15 The first one is "BLMIS," and when I say
 16 BLMIS I'm referring to Bernard L. Madoff Investment
 17 Securities and any predecessor companies that came
 18 before BLMIS.

19 If I'm referring to "Madoff" or
 20 "Mr. Madoff," then I'm referring to Madoff, the
 21 individual, as opposed to the investment entity.

22 If I use the term "account," I'm going to
 23 be referencing the trust's BLMIS Account No. 1ZB314
 24 and if I use the term "trust" I'm referring to the
 25 Gerald and Barbara Keller Family Trust.

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1 meet Mr. Madoff in person?

2 A. Not that I know of, no.

3 Q. Okay. And I'm going to probably ask this
 4 again later but just to clarify, was it just you and
 5 Barbara Keller that were the trustees of the trust?
 6 That's correct?

7 A. Yes.

8 Q. Was there anyone else that was authorized
 9 to do business on behalf of the trust?

10 A. No.

11 Q. Okay. Did you speak with anyone at BLMIS
 12 before deciding to invest?

13 A. Yes. I forgot the guy's name, but he had
 14 an Italian name.

15 Q. If I say Frank DiPascali, does that sound
 16 correct?

17 A. Frank, sounds correct, yeah. I think so.

18 Q. Okay. Did you receive any materials from
 19 BLMIS prior to investing?

20 A. No, not that I remember.

21 Q. Okay. Do you recall who you spoke with at
 22 BLMIS when you opened the account?

23 A. No.

24 Q. Okay.

25 A. It might have been Frank.

Page 22

1 Q. And other than this one account that we're
 2 discussing, 1ZB1314, did the trust have any other
 3 accounts with BLMIS?

4 A. No.

5 Jennifer?

6 MS. ALLIM: Yes.

7 THE WITNESS: You're listening to what I'm
 8 saying, making sure I'm right?

9 MS. ALLIM: Of course.

10 THE WITNESS: Okay. Thanks, hon. Just
 11 want to make -- I heard snoring so --

12 MS. CARLISLE: Uh-oh, he caught you.

13 Q. Okay. Once you opened your account, what
 14 did you do with the documents that you used to open
 15 up the account?

16 A. I gave them to Irwin Levine.

17 Q. Okay. And who is Mr. Levine?

18 A. He's my financial director, vice president
 19 of Keller Publishing.

20 Q. Okay.

21 A. And he handled all the financial parts of
 22 it.

23 Q. Okay. When you say "the financial parts of
 24 it," does that mean Keller Publishing or the BLMIS
 25 investment?

Page 23

1 A. Both.

2 Q. Both.

3 Did he handle your personal finances?

4 A. Some of them.

5 Q. Some of them, okay.

6 A. And to the extent you know, was Mr. Levine
 7 a CPA?

8 A. Yes.

9 Q. Okay.

10 A. Yes.

11 Q. Now when you provided documents to
 12 Mr. Levine, did you ask him to retain those
 13 documents on your behalf or anything of that nature?

14 A. I'm sure when I give him things he retains
 15 them for a certain amount of time. That's what he's
 16 supposed to do.

17 Q. Do you know how long he retains them?

18 A. Don't have the slightest idea.

19 Q. Okay. Since December of 2008 have you gone
 20 back to Mr. Levine and asked if he has any of those
 21 documents?

22 A. Yes.

23 Q. Yes.

24 THE WITNESS: We have, right, Jennifer?

25 MS. ALLIM: Correct.

Page 24

1 BY MS. CARLISLE:

2 Q. Okay. And just stepping back, I don't
 3 necessarily want to know -- today what I'm trying to
 4 find out a lot of times is what you've done. So if
 5 Jennifer has done something that's okay, that's
 6 wonderful, I just want to make sure that I get your
 7 testimony correct today.

8 A. Okay. Sure.

9 Q. Okay. Do you know whether Mr. Levine
 10 provided those documents?

11 A. As far as I know he did.

12 Q. Okay. And what types of documents over the
 13 life of the account once you began investing to 2008
 14 did you provide to Mr. Levine?

15 A. Well, anytime a check would come in, I
 16 would countersign it and deposit it in Keller
 17 Publishing.

18 Q. Okay. What about account statements?

19 A. Irwin got them.

20 Q. They went directly to Mr. Levine?

21 A. Right.

22 Q. What about correspondence from BLMIS?

23 A. All to Mr. Levine.

24 Q. So the only thing that came to you or to
 25 the trust were the checks?

Page 25

1 A. Right.

2 Q. Okay. And other than the checks which you
 3 deposited, everything else went straight to
 4 Mr. Levine and you didn't have any personal records?

5 A. Correct.

6 Q. Okay. Over the life of the account what
 7 types of documents did you or someone on behalf of
 8 the trust send to BLMIS?

9 A. You mean when they were asked for?

10 Q. Either when they were asked for or if you
 11 had inquiries and sent correspondence, things of
 12 that nature?

13 A. Well, the only correspondence we would ask
 14 is when we would ask for money --

15 Q. Okay.

16 A. -- be sent to us.

17 Q. Okay. And did you or did Mr. Levine keep
 18 copies of any of that correspondence?

19 A. I'm sure Mr. Levine did.

20 Q. Okay. And when these items were sent --
 21 and this actually answers some other questions I'll
 22 have later -- were those sent by you or Mr. Levine?

23 A. Mr. Levine.

24 Q. Okay. Were those done --

25 A. I might be also involved in sending in a

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8 (Pages 26 to 29)

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1 request. I'd have to sign for it, but then he would
 2 send it in.

3 Q. That was going to be my next question.

4 In making a decision to make a withdrawal,
 5 was that made by you?

6 A. Yes.

7 MS. CARLISLE: Now I'm going to hand you
 8 what has been marked as Exhibit No. 3.

9 (Exhibit 3 was marked for identification.)

10 THE WITNESS: Jennifer?

11 MS. ALLIM: Yes.

12 THE WITNESS: There's a huge pile of papers
 13 I'm looking at.

14 MS. ALLIM: Right. These are all the
 15 exhibits that you're going to be shown today.

16 MS. CARLISLE: Sadly, Jennifer, the whole
 17 stack isn't on the table for him to look at.

18 MS. ALLIM: Oh.

19 MS. CARLISLE: Yeah, I know. He's not even
 20 looking at the full stack.

21 Q. If it makes you feel better, Mr. Keller,
 22 each of these is in triplicate and you're only to
 23 get one. I just have extra copies in case they're
 24 needed --

25 A. Okay.

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Page 28

1 it was Chris or Irwin.

2 Q. Okay. So Irwin would have also -- or
 3 Irvin? Irvin?

4 A. Irwin.

5 Q. Irwin.

6 So Irwin would have also been prepared in
 7 preparing this?

8 A. Yes.

9 Q. Were you at all involved in preparing this,
 10 other than signing?

11 A. Other than looking it over, no.

12 Q. Okay. Turning to page 5 -- it's that page.
 13 There's no numbers after page 4.

14 A. Okay.

15 Q. This chart, do you know who created this
 16 chart?

17 A. No.

18 Q. No, okay.

19 Do you know whether or not during the life
 20 of the account Irwin or anyone else kept information
 21 such as this regarding the trust's investment?

22 A. I would think Irwin or somebody would have
 23 kept this information.

24 Q. But you don't know if he maintained any
 25 spreadsheets or anything similar to this?

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Page 29

1 Q. -- so they won't all get pulled out, but
 2 yes.

3 Do you recognize Exhibit No. 3?

4 A. Yes.

5 Q. And this is the claim filed with Mr. Picard
 6 on behalf of the trust; is that correct?

7 A. It says "Customer Claim."

8 Yeah, I've seen this and signed it, yeah.

9 Q. Okay. That was my next question.

10 Looking at page 4, can you confirm that is
 11 yours and Barbara Keller's signatures?

12 A. Yes.

13 Q. Looking at page 3, at the bottom of the
 14 page it asks for the name and address of anyone
 15 assisting you and it contains the name of Mr. Chris
 16 Topolewski.

17 I may have slaughtered that.

18 A. Yes.

19 Q. Who is Mr. Topolewski?

20 A. He was a stockbroker I was using and had
 21 some information that we tapped into.

22 Q. Okay. Were you at all involved in
 23 preparing this or did Mr. Topolewski prepare the
 24 bulk of it?

25 A. I'm not sure who prepared the bulk, whether

1 A. No.

2 MS. CARLISLE: Okay. Jennifer, I'm now
 3 going to go to Exhibit No. 6.

4 MS. ALLIM: Okay.

5 (Exhibit 6 was marked for identification.)

6 MS. ALLIM: Skipping 4 and 5 or are we
 7 going to go back?

8 MS. CARLISLE: I do think I'm going to skip
 9 4 and 5.

10 MS. ALLIM: Okay.

11 BY MS. CARLISLE:

12 Q. Okay. I'm handing you what has now been
 13 marked as Exhibit -- sorry.

14 A. Just looking back at the good old days.

15 Q. Before December of 2008?

16 A. Yes.

17 Q. Yes, I understand.

18 Okay. That has been marked as an exhibit.

19 If you want to take the ones that are
 20 marked with stickers and set them to one side, at
 21 the end of the day the court reporter will be
 22 gathering those up.

23 A. She will do what?

24 Q. She'll be gathering, taking those with her
 25 to put on the back of the transcript.

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9 (Pages 30 to 33)

<p style="text-align: right;">Page 30</p> <p>1 THE WITNESS: You're going to take my 2 papers?</p> <p>3 THE REPORTER: I am.</p> <p>4 MS. CARLISLE: Jennifer, he just gave a 5 look, but he also smiled so it's all good.</p> <p>6 MS. ALLIM: Okay.</p> <p>7 BY MS. CARLISLE:</p> <p>8 Q. I've handed you what has been marked as 9 Exhibit No. 6. Do you recognize this document?</p> <p>10 A. Looks like something that -- some of those 11 fat papers I might have filled out.</p> <p>12 Q. Uh-huh.</p> <p>13 A. Yeah. Believe me, I don't know what's -- 14 yes.</p> <p>15 Q. I understand. This is also --</p> <p>16 A. Yeah.</p> <p>17 Q. -- if you look at the top of the first page 18 this also was filed in the court in September of 19 2015, so it's been a little while.</p> <p>20 But this -- the title's on page 2 and this 21 is the answer and defenses of the Gerald and Barbara 22 Keller Family Trust in this lawsuit.</p> <p>23 A. Right.</p> <p>24 Q. Do you recall seeing this document before 25 September of 2015?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Okay. I'm going to ask that you turn to 2 page 22 of Exhibit 6.</p> <p>3 A. Okay.</p> <p>4 Q. Okay. And this section of the answer 5 contains the affirmative defenses asserted by the 6 trust. And looking at Affirmative Defense No. 16, 7 it states: "The Defendants are entitled to setoff, 8 recoupment and/or equitable adjustment because each 9 year the Defendants were required to pay taxes on 10 the fictitious profits reported on, among other 11 things, IRS Form 1099 and other information reported 12 by BLMIS or Madoff to the IRS, State and/or other 13 local governmental taxing authorities."</p> <p>14 Do you recall, sitting here today, how much 15 the trust paid to the IRS, how much in taxes the 16 trust paid to the IRS on its BLMIS income?</p> <p>17 A. No. It was different every year.</p> <p>18 Q. Okay. And you don't know the total for all 19 those years?</p> <p>20 A. Quite substantial, but I don't know total.</p> <p>21 Q. Is that something Mr. Levine would have 22 information on?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Other than paying taxes to the 25 federal government, were there any state governments</p>
<p style="text-align: right;">Page 31</p> <p>1 A. I'm not sure when I saw it.</p> <p>2 Q. Okay. And if you need a minute to look 3 through it, but do you recall going through this 4 document to confirm that the information provided is 5 accurate?</p> <p>6 A. As far as I was concerned, when we finished 7 this up it was as accurate as could be.</p> <p>8 Q. Okay. Okay. Do you recall whether or not 9 you went through any documents or spoke to anyone 10 other than counsel in determining the accuracy of 11 the information provided?</p> <p>12 A. No.</p> <p>13 Q. Okay. And just stepping back just to 14 clarify. Today when I'm asking questions about 15 things you've done, if you have a conversation -- 16 you had a conversation --</p> <p>17 A. Yeah.</p> <p>18 Q. -- with either Jennifer or Mrs. Chaitman --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- I'm not asking about the details of 21 those. You can just simply say you spoke with 22 Jennifer and I will understand.</p> <p>23 A. Yeah.</p> <p>24 Q. Not trying to get into that.</p> <p>25 A. I understand.</p>	<p style="text-align: right;">Page 33</p> <p>1 that the trust paid income taxes to on its BLMIS 2 income?</p> <p>3 A. As far as I know, New York and California.</p> <p>4 Q. Okay. So both states?</p> <p>5 A. Yeah, and there may be another one, too, 6 but I don't think so.</p> <p>7 Q. Okay. Were there any other places that the 8 trust --</p> <p>9 A. Well, we had an office in Chicago with a 10 publishing company, but I don't think that would 11 affect me in any way. I think it's just primarily 12 my main residence, which was in New York and then 13 moved to California.</p> <p>14 Q. Okay. And what year did you move to 15 California?</p> <p>16 A. Let me see. I think 1995 or '96.</p> <p>17 Q. Okay. And was that a permanent move or --</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. So with respect to this affirmative 20 defense, any of the documents related to those taxes 21 would Mr. Levine also have that information?</p> <p>22 A. He should have that.</p> <p>23 Q. If not already provided to your attorney?</p> <p>24 A. Right.</p> <p>25 Q. Okay. Okay.</p>

<p style="text-align: right;">Page 34</p> <p>1 Okay. Do you know whether or not the trust 2 requested a refund of any of those taxes from the 3 IRS? 4 A. I'm not sure. 5 MS. CARLISLE: Okay. I'm going to ask then 6 that you turn to page 23 and paragraph -- or 7 Affirmative Defense No. 27 states that, "The 8 Trustee's claims are barred in whole or part for 9 failure to properly credit inter-account transfers, 10 profit withdrawals, and other adjustments." 11 I'm going to also hand you what has been 12 marked as Exhibit No. 13. 13 (Exhibit 13 was marked for identification.) 14 THE WITNESS: Are we done with this? 15 BY MS. CARLISLE: 16 Q. No, not quite yet. 17 A. Okay. 18 Q. Exhibit 13 will help you, I think, in 19 answering my questions about that paragraph. 20 MS. ALLIM: Marie, is that Exhibit B? 21 MS. CARLISLE: Yes, ma'am. It's Exhibit B 22 of the Complaint. 23 MS. ALLIM: Okay. We are withdrawing that 24 defense. There are no inter-accounts transfers. 25 MS. CARLISLE: Okay.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Okay. And this was not an IRA account, was 2 it? 3 A. No. 4 Q. No, okay. 5 THE WITNESS: That's correct, isn't it, 6 Jennifer? It wasn't an IRA. No. 7 MS. ALLIM: It was not an IRA. 8 BY MS. CARLISLE: 9 Q. Okay. I'm going to ask then that you turn 10 to page No. 25, so one page, and looking at 11 paragraph 46 -- 12 I'm sorry, paragraph 43, excuse me. 13 And that paragraph states that, "The 14 Defendants cannot be liable for withdrawals that 15 Defendants were legally compelled to transfer to 16 state and federal taxing authorities." 17 Looking at that exhibit or just based on 18 your memory, are you aware of any transfers that the 19 trust was legally compelled to make and provide the 20 money to taxing authorities? 21 A. If we made profits, we had to pay taxes on 22 them -- 23 Q. Okay. 24 A. -- as far as I know. 25 Q. I agree. Unfortunately, that is the truth.</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. So do you agree with that, that you're 2 going to withdraw this affirmative defense? 3 A. Whatever makes Jennifer happy. 4 MS. CARLISLE: Well, Jennifer, if I were 5 you, I'd start asking some good stuff then. 6 THE WITNESS: I agree. 7 BY MS. CARLISLE: 8 Q. Because what I was going to do was ask you 9 to look at that and see if you saw any inter-account 10 transfers. That's what I needed to know. 11 Okay. Then I'm going to ask then that -- 12 we might pull that out. 13 A. I'll keep that. 14 Q. Yes. That one we might pull out, because 15 that is Exhibit B, just for reference, to the 16 Complaint. 17 A. Yeah. 18 Q. I'm going to ask then you turn to page 24 19 of this Exhibit No. 6, and paragraph 37 -- or 20 Affirmative Defense, excuse me, 37 states that the 21 transfers were legally compelled under state and 22 federal securities laws. 23 Are you aware of any of these transfers 24 being compelled under the law? 25 A. I don't know.</p>	<p style="text-align: right;">Page 37</p> <p>1 When you say, though, "when we made 2 profits" was that profits on your BLMIS account? 3 A. It was from the Madoff account. 4 Q. Okay. So you're referring to the taxes 5 that the trust was required to pay on its BLMIS 6 income? 7 A. Correct. 8 Q. Other than being required to pay taxes on 9 the income, were there any other reasons that a 10 taxing authority would have compelled you to make 11 any payments? 12 A. Not that I know of. 13 MS. CARLISLE: Okay. I'm now going to hand 14 you what has been marked as Exhibit 7. 15 (Exhibit 7 was marked for identification.) 16 BY MS. CARLISLE: 17 Q. I'm pretty much done with 6, Exhibit 6, if 18 you want to set that down. 19 A. On this pile or keep it in front of me? 20 Q. You can keep any of these in front of you 21 for reference. 22 A. No, no. I'd just as soon move them away. 23 Q. Yeah, okay. 24 I'm handing you what has been marked as 25 Exhibit No. 7.</p>

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1 And do you recognize Exhibit No. 7?

2 A. Yes.

3 Q. Yes.

4 A. I've seen it, I know.

5 Q. This is a letter from my law firm, Baker &
6 Hostetler, to your counsel or Ms. Chaitman dated
7 April 13th, 2011, and we commonly refer to it as a
8 preservation letter.

9 And I'm going to read to you part of the
10 first paragraph and let me know if I read anything
11 incorrectly. Starting at the second sentence it
12 says, "Please be advised your clients are not to
13 destroy, conceal or alter any paper or electronic
14 files or any other electronically generated or
15 stored information on computers or storage media
16 that your clients may have in their possession,
17 custody or control that may be related to this
18 matter."

19 At any time -- do you recall reading that?

20 A. Yes.

21 Q. Okay. And in taking a step back, back in
22 2011 Ms. Chaitman and Mr. Smith and possibly others
23 at Becker & Poliakoff were your counsel; that's
24 correct?

25 A. Correct.

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1 as much information as he could.

2 Q. Okay. Other than -- earlier we talked
3 about letters you had sent, correspondence asking
4 for withdrawals --

5 A. Yeah.

6 Q. -- and there's monthly statements and some
7 other documents received.

8 Do you know whether or not Mr. Levine
9 maintained copies of bank account records for either
10 the trust or Keller International Publishing?

11 A. I assume he did. It was his job.

12 Q. Do you know how long he might have kept
13 those records?

14 A. No, I don't.

15 Q. Okay.

16 A. I know there was a legal limit of when he
17 was supposed to keep it, for seven years, I believe.

18 Q. Certainly.

19 A. And I'm not sure he had them or kept them
20 longer than that.

21 Q. Okay. Do you know whether or not he
22 preserved those once you realized -- you realized
23 there was, what you said a minute ago, there was
24 going to be an issue related to the Madoff account?

25 A. I'm sure he kept them.

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1 Q. Okay. Since receiving this letter what
2 steps have you taken to make sure that any documents
3 that you or Keller Publishing or, I guess,
4 Mr. Irwin --

5 A. Levine.

6 Q. -- Mr. Levine on behalf of Keller
7 Publishing -- to make sure those documents were
8 maintained?

9 A. Yes, they were, by Irwin Levine.

10 Q. Okay. After receiving this letter did you
11 have a conversation with Mr. Levine to ensure this
12 happened?

13 A. Yes. Oh, yeah.

14 Q. I don't know why I'm confusing his first
15 and last name. I want to call him Mr. Irwin.

16 A. You can call him anything you want.

17 Q. I don't know if he would like that, but I
18 guess he's not here, is he?

19 A. I often do.

20 Q. Okay. And I understand that this letter
21 was sent in 2011. Prior to 2011 or when you first
22 saw this letter, had you already had any discussions
23 with Mr. Levine about maintaining the records?

24 A. We talked about the fact that basically
25 there was going to be a problem and he should keep

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1 Q. Okay. Did you, personally, keep copies of
2 any of those records at all?

3 A. No.

4 Q. Did you, personally, when you received
5 the -- well, I guess you didn't receive anything.

6 I guess you received the checks and you
7 mentioned that you signed the checks.

8 A. Yeah.

9 Q. Other than signing the checks, did you
10 maintain any other records regarding withdrawals or
11 deposits?

12 A. That was Irwin's job.

13 Q. Okay.

14 A. My job to spend the money; his job to make
15 it work for me.

16 MS. CARLISLE: Not a bad job to have.

17 Okay. I'm going to hand you now what has
18 been marked as Exhibit No. 10.

19 Jennifer, I know we have a 10A, -B and -C,
20 but I'm just going to use 10C and that's the only
21 one I'm going to mark as 10.

22 MS. ALLIM: Okay.

23 MS. CARLISLE: Okay.

24 THE WITNESS: Thank you.

25 MS. CARLISLE: See, I told you. I know the

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12 (Pages 42 to 45)

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<p>1 stack looks daunting, but I promise -- 2 (Exhibit 10 was marked for identification.) 3 BY MS. CARLISLE: 4 Q. Mr. Keller, do you recall seeing this 5 exhibit before today? 6 A. Vaguely, yes. 7 Q. Vaguely. 8 A. It's like the rest of the big fat pack of 9 papers I worked on. 10 Q. Certainly. 11 Okay. And when you mentioned that you 12 worked on them, again, I'm not asking about anything 13 you may or may not have discussed with counsel -- 14 A. We just discussed -- 15 Q. Okay. Well, did you review any other 16 documents in answering these interrogatories? 17 A. Not that I remember. 18 Q. Did you have any discussions with 19 Mr. Levine in responding to these interrogatories? 20 A. It's possible, but I don't remember that 21 either. 22 Q. Okay. Okay. And I don't know -- 23 A. The answers were fairly -- well -- 24 Q. Well, if you look at either the second to 25 last page or the last page there's some dates and I</p>	<p>1 whatever I remembered actually. 2 Q. Okay. And sitting here today do you recall 3 what you had available to you at that time? 4 A. Nothing, really -- 5 Q. Okay. 6 A. -- to speak of. 7 MS. CARLISLE: I'm going to hand you now -- 8 and we'll go back to that document, but just briefly 9 I am going to hand you what has been marked as 10 Exhibit No. 11. 11 (Exhibit 11 was marked for identification.) 12 BY MS. CARLISLE: 13 Q. And have you seen Exhibit No. 11 prior to 14 today? 15 A. I assume I have. 16 Q. Okay. And Exhibit No. 11, and correct me 17 if I'm wrong, is a letter from Baker Hostetler dated 18 November 17th of 2016 to Chaitman LLP. Both 19 Jennifer and Ms. Chaitman are included on this and 20 this is a letter, at least it purports to be a 21 letter, sending them copies of the trustee's 22 documents. 23 A. Uh-huh. 24 Q. Okay. And if you look, there's two disks 25 at least that are described on the letter and</p>
<p style="text-align: center;">Page 43</p> <p>1 just don't know if this will help refresh your 2 memory, but it shows that this was provided to us 3 and the last page is dated June 16th of this year 4 and then the page before that has your signature 5 dated June 6th of this year. 6 Does that help refresh your memory at all? 7 A. Well, yeah. It's a number of months ago 8 and it was a lot of stuff to look at and talk about. 9 Q. Okay. 10 A. And, frankly, not a lot of stuff I like to 11 remember. 12 Q. Certainly understand that. 13 Okay. I'm going to ask then that you turn 14 to page 3 and page 3 has, just for the record, this 15 section of this document is titled "General 16 Objections." 17 A. Uh-huh. 18 Q. And General Objection No. 9 states that, 19 "Responding Party's responses to the Requests are 20 based on information presently available." 21 In saying that, what information and/or 22 documents did you look at so that you could ensure 23 you looked at everything presently available in 24 responding to these requests? 25 A. Basically, whatever I had available or</p>	<p style="text-align: center;">Page 45</p> <p>1 there's photocopies of the disks on the back. 2 The first one is for "Account No. 1ZB314 3 Core Account Documents" and the second disk is 4 titled "Account No. 1ZB314 Bank Transfer Documents." 5 At any time have you seen either the disks 6 or the documents contained on those disks? 7 A. Not that I recall. 8 Q. So would it be safe to say that you did not 9 review those documents in answering these 10 interrogatories? 11 A. I don't think so. 12 Jennifer? 13 MS. ALLIM: No, you did not. 14 THE WITNESS: I didn't. 15 BY MS. CARLISLE: 16 Q. Okay. Okay. Then turning -- I'm done with 17 11, yes. 18 Turning back to Exhibit No. 10, I'm going 19 to page 4. The very first, and the second one is 20 very similar, but the very first interrogatory asks 21 you or asks the trust to identify each deposit into 22 the account and the trust states that it's unable to 23 do so. 24 In responding to that do you know -- or 25 actually, let me take that back.</p>

<p style="text-align: right;">Page 46</p> <p>1 In responding to that what steps did you or 2 someone else on behalf of the trust take to try to 3 identify the deposits?</p> <p>4 A. I think -- I believe we talked to Irwin 5 about it to see if he had some of these documents.</p> <p>6 Q. Okay.</p> <p>7 A. I'm not sure if he still had them.</p> <p>8 Q. Okay. And when you weren't sure that he 9 had still had them, do you know whether or not at 10 that time they had already been provided to counsel?</p> <p>11 A. I don't know.</p> <p>12 Q. Okay. Okay. Is it safe for me to assume 13 that the answers would be the same regarding the 14 second one asking to identify each withdrawal?</p> <p>15 A. I would say so, yes.</p> <p>16 Q. Okay. You didn't handle the deposits and 17 withdrawals different from one another?</p> <p>18 A. No.</p> <p>19 Q. Okay. Same page, going down to 20 paragraph -- or Interrogatory No. 3 it asks to 21 identify persons with knowledge of any transfer and 22 you list yourself and Mr. Levine.</p> <p>23 A. Right.</p> <p>24 Q. Is there anyone else that might have had 25 information?</p>	<p style="text-align: right;">Page 48</p> <p>1 mentioned that they were deposited into an account 2 held by Keller International Publishing, other than 3 the trust or through Keller International 4 Publishing's account, was there anyone else that 5 directly received the funds from BLMIS?</p> <p>6 A. No.</p> <p>7 Q. And just going back to that point, did the 8 trust have its own bank account?</p> <p>9 A. I don't know. I don't think -- I'm not 10 really sure.</p> <p>11 Q. Okay.</p> <p>12 A. No.</p> <p>13 Q. Okay. Do you know would that be something 14 Mr. Levine would know?</p> <p>15 A. Probably, yes.</p> <p>16 Q. Because earlier you mentioned that the 17 check -- you signed the checks and then they were 18 deposited for Keller International Publishing?</p> <p>19 A. Right. The checks were made out to me.</p> <p>20 Q. As the trustee?</p> <p>21 A. Yeah, and I just signed them over to 22 Keller.</p> <p>23 Q. But I just want to clarify when you say 24 "Keller," you mean Keller International Publishing?</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 47</p> <p>1 A. No.</p> <p>2 Q. No.</p> <p>3 Was your wife at all involved in handling 4 the BLMIS account?</p> <p>5 A. No.</p> <p>6 Q. Okay. What about Mr. -- I believe it's 7 Top --</p> <p>8 A. Topolewski.</p> <p>9 Q. Topolewski, thank you.</p> <p>10 A. I think he just helped Irwin with some 11 information, some detailed stuff, some minor stuff, 12 but he really wasn't involved in anything other than 13 maybe a consulting type just briefly.</p> <p>14 Q. And when you say "as a consultant," was 15 that more on the claims side of it after the fraud 16 was discovered --</p> <p>17 A. Yeah.</p> <p>18 Q. -- or was he involved at all --</p> <p>19 A. No.</p> <p>20 Q. -- in handling the account before 2008?</p> <p>21 A. No.</p> <p>22 Q. Okay. And staying with Exhibit No. 10, 23 turning to page 5, Interrogatory No. 6, it asks to 24 "Identify each person or entity that ever received 25 funds." Other than the trust, and you briefly</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Okay. And then quickly staying in this 2 page -- in this document turning to page 11, can you 3 confirm -- sorry. I'm sorry. I'm getting ahead.</p> <p>4 A. That's okay.</p> <p>5 Yes.</p> <p>6 Q. Can you confirm for me whether or not that 7 is your signature at the bottom of that page?</p> <p>8 A. It is.</p> <p>9 MS. CARLISLE: Okay. Thank you.</p> <p>10 I'm going to now hand you what has been 11 marked as Exhibit No. 12.</p> <p>12 And, Jennifer, I'm going to do the same 13 thing. I'm not going to use 12A or -B. It's just 14 going to be 12C.</p> <p>15 MS. ALLIM: Okay. 16 (Exhibit 12 was marked for identification.)</p> <p>BY MS. CARLISLE:</p> <p>18 Q. And, Mr. Keller, do you recognize 19 Exhibit 12?</p> <p>20 A. Vaguely, yes.</p> <p>21 Q. Okay. If I had you look at the title -- or 22 I'll read the title, "Responses and Objections of 23 Defendant The Gerald and Barbara Keller Family 24 Trust, the Trustee's First Request for Production of 25 Documents," does that help refresh your memory at</p>

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14 (Pages 50 to 53)

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<p>1 all?</p> <p>2 A. It was part of a large, fat, duplicated</p> <p>3 pieces of --</p> <p>4 Q. Gotcha. Understand.</p> <p>5 A. -- documents I had.</p> <p>6 Q. Certainly.</p> <p>7 And, again, turning to the very last page,</p> <p>8 it shows that they're dated on June 16th.</p> <p>9 Does that help refresh your memory at all?</p> <p>10 A. No.</p> <p>11 Q. Okay. In responding to these requests for</p> <p>12 production, did you provide to your counsel copies</p> <p>13 of all documents that you had that you, personally,</p> <p>14 maintained on behalf of the trust?</p> <p>15 A. I didn't have any.</p> <p>16 Q. You didn't have any.</p> <p>17 Okay. To the best of your knowledge did</p> <p>18 Mr. Levine provide all of the documents he had to</p> <p>19 your counsel?</p> <p>20 A. Yes, he did.</p> <p>21 Q. Other than Mr. Levine, is there anyone else</p> <p>22 that might have had documents related to the BLMIS</p> <p>23 accounts for the trust?</p> <p>24 A. No.</p> <p>25 Q. No, okay.</p>	<p>1 Yes, sir.</p> <p>2 THE WITNESS: All right. Maybe I'll take a</p> <p>3 little break. Do you mind?</p> <p>4 MS. CARLISLE: No, that's fine. Certainly.</p> <p>5 THE VIDEOGRAPHER: We're off the record at</p> <p>6 11:04 a.m.</p> <p>7 (Recess taken.)</p> <p>8 THE VIDEOGRAPHER: We're back on the record</p> <p>9 at 11:16 a.m.</p> <p>10 BY MS. CARLISLE:</p> <p>11 Q. Okay. Mr. Keller, I'm going to hand you</p> <p>12 what has been marked as Exhibit No. 14 and this was</p> <p>13 an item produced to us in this case.</p> <p>14 Do you recognize this at all?</p> <p>15 A. No.</p> <p>16 Q. No.</p> <p>17 Do you know why you or the trust would have</p> <p>18 received any information from Friehling & Horowitz?</p> <p>19 A. No.</p> <p>20 Q. Okay. Do you know whether or not this</p> <p>21 was -- step back.</p> <p>22 Did you or the trust have any dealings with</p> <p>23 Friehling or Horowitz outside of BLMIS?</p> <p>24 A. Not that I know of.</p> <p>25 MS. CARLISLE: Okay. I'm going to hand you</p>
<p>1 Did you speak with any of your banks to</p> <p>2 ensure that they -- to see if they had any of the</p> <p>3 records that might -- any of your banking records or</p> <p>4 the Keller International Publishing's banking</p> <p>5 records that showed withdrawals or deposits into the</p> <p>6 account?</p> <p>7 A. Irwin would.</p> <p>8 Q. Do you know if he did?</p> <p>9 A. I'm sure he got as much information as he</p> <p>10 could.</p> <p>11 Q. Okay. And then I'm going to ask you to</p> <p>12 turn to page 5, Request No. 8, and the request there</p> <p>13 was for documents sufficient to identify any money,</p> <p>14 property or anything else of value provided by the</p> <p>15 Trust or any other person on behalf of the trust to</p> <p>16 BLMIS and/or Madoff in exchange for any transfer.</p> <p>17 Other than deposits made into the account,</p> <p>18 did the trust provide anything to Mr. Madoff or</p> <p>19 BLMIS?</p> <p>20 A. No.</p> <p>21 MS. CARLISLE: Okay. Okay. I'm going to</p> <p>22 hand you then what's been marked as Exhibit No. 14.</p> <p>23 (Exhibit 14 was marked for identification.)</p> <p>24 THE WITNESS: Are we done with this guy?</p> <p>25 MS. CARLISLE: We are done with that one.</p>	<p>1 then what has been marked as Exhibit No. 15.</p> <p>2 (Exhibit 15 was marked for identification.)</p> <p>3 BY MS. CARLISLE:</p> <p>4 Q. And do you recognize Exhibit No. 15?</p> <p>5 A. Not really.</p> <p>6 Q. Okay. You see at the top on the very first</p> <p>7 page there's like a fax note?</p> <p>8 A. Uh-huh.</p> <p>9 Q. And it shows that Mr. Levine was sending</p> <p>10 this to a Neal Price?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Do you know who Mr. Price is?</p> <p>13 A. No.</p> <p>14 Q. Do you know why Mr. Levine would have been</p> <p>15 sending this to someone else?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you recognize the area code on</p> <p>18 that, Mr. Price's? Is it area code 312?</p> <p>19 A. That's Chicago, I think, isn't it?</p> <p>20 Q. Off the top of my head, I don't know. I</p> <p>21 mean I'm sure I could look it up, I just didn't know</p> <p>22 if that would help.</p> <p>23 A. No.</p> <p>24 Q. Okay. And then looking further down on</p> <p>25 page 1, it appears there some handwritten letters, A</p>

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1 and B, on that.
 2 A. Uh-huh.
 3 Q. Do you recognize that handwriting?
 4 A. No.
 5 Q. Okay. So you don't know whether that was
 6 Mr. Levine's or someone else's?
 7 A. No.
 8 Q. Okay. And since you mentioned you didn't
 9 recognize it, this is one of the monthly statements
 10 I was talking about that would have been received.
 11 A. Yeah.
 12 Q. Okay.
 13 A. I might have seen these at one time when we
 14 first got involved, so they were pretty complete, as
 15 I remember.
 16 Q. Okay. And understanding that they went to
 17 Mr. Levine, but to the best of your knowledge did
 18 Mr. Levine do any analyses of the information
 19 contained?
 20 A. I think he did analysis for tax purposes.
 21 Q. Okay. Beyond that did he do any checking
 22 to make sure that the transfers, the deposits and
 23 withdrawals were correct?
 24 A. In this statement?
 25 Q. In this statement. Yes, sir.

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1 A. I don't know.
 2 Q. You don't know. Okay.
 3 A. I would doubt it, but --
 4 MS. CARLISLE: Okay. Jennifer, I'm going
 5 to skip a couple of exhibits and go to Exhibit
 6 No. 18.
 7 (Exhibit 18 was marked for identification.)
 8 MS. ALLIM: Okay.
 9 THE WITNESS: Thank you.
 10 BY MS. CARLISLE:
 11 Q. You just like hearing that I skipped
 12 exhibits, don't you?
 13 A. As much as you can.
 14 Q. I think my paralegal would have the same
 15 thought. She had to prepare all of these for us.
 16 I've handed you what has been marked as
 17 Exhibit No. 18 and do you recognize this document?
 18 A. Not really.
 19 Q. Okay. Have you ever seen -- do you recall
 20 during the life of the account seeing documents that
 21 looked similar to this?
 22 A. I might have but --
 23 Q. Okay.
 24 A. This is a mailing label or something?
 25 Q. This is -- and I will tell you, I don't

1 know because I did not work for BLMIS so I don't
 2 necessarily know, but what I'm deeming this is kind
 3 of like a receipt that BLMIS would send to clients
 4 just referencing that on this date we debited your
 5 account for this and here it looks like it's some
 6 dividends on June 18th of '97 for Dupont.
 7 So I just was curious if you were --
 8 A. No.
 9 Q. Okay. Documents similar to Document 18,
 10 would those have also gone directly to Mr. Levine?
 11 A. Yeah.
 12 MS. CARLISLE: Okay. I'm going to hand you
 13 now what's been marked as Exhibit No. 21.
 14 (Exhibit 21 marked was for identification.)
 15 BY MS. CARLISLE:
 16 Q. And do you recognize Exhibit No. 21?
 17 A. No.
 18 Q. Okay. And looking at the first page of it,
 19 the address there, the Great Neck Road, was that
 20 your home address or --
 21 A. No, that's the office address.
 22 Q. That's the office address, okay.
 23 So even though it's addressed to you, it
 24 likely would have gone straight to Mr. Levine?
 25 A. Yes.

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1 I'd like to have this now.
 2 MS. CARLISLE: Okay. I'm going to hand you
 3 now what's been marked as Exhibit No. 22.
 4 (Exhibit 22 was marked for identification.)
 5 (Discussion off the record.)
 6 BY MS. CARLISLE:
 7 Q. And, Mr. Levine, earlier I mentioned that
 8 these documents like this and documents similar to
 9 this are the monthly statements for BLMIS.
 10 A. Uh-huh.
 11 Q. Would you agree with me that Exhibit No. 22
 12 appears to be the monthly statement for your account
 13 for the month of March of 1997?
 14 A. I think it's part of the statement; I don't
 15 think it's the whole statement.
 16 Q. Okay. And why do you say that?
 17 A. It's only a million dollars.
 18 Q. Agreed.
 19 Well, let me say this. It shows --
 20 stepping back, it shows on March 20th you deposited
 21 a wire or there's a check wire for the amount of
 22 \$1 million; correct?
 23 A. Bought or received. This looks like
 24 something that they bought on my behalf.
 25 Q. Okay. If you look right above -- I'm

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1 looking at the first date. It says "3/20," and I
 2 understand it's kind of difficult to look across
 3 these because the shading on the background doesn't
 4 correlate with each one --

5 A. Uh-huh.

6 Q. -- but do you see on the first one it says
 7 a check wire for \$1 million?

8 A. A million dollars, uh-huh.

9 Q. Okay. Stepping back, do you know when the
 10 Keller trust opened its account with BLMIS?

11 A. No. I'm not sure of the date, but it looks
 12 like we sent a wire in for a million dollars and
 13 they took that money and bought Treasury bills.

14 Q. I would agree with that assessment of what
 15 this looks like.

16 Was that million dollars, was that the
 17 first transfer of money to BLMIS?

18 A. I don't know. It could have been.

19 Q. Okay.

20 A. I'm not really sure.

21 Q. Okay. Do you know what amount was the
 22 first transfer that was sent?

23 A. It looks like it is from the records you
 24 also sent me before. So from what I'm looking at,
 25 and that's this deposit thing, this is the first

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1 to page -- if you're looking at the numbers on the
 2 bottom that start with an M, it's page 192 of that.
 3 It's not page 192, but it ends in -192.

4 A. How far back?

5 Q. It's about ten pages back.

6 A. Okay.

7 Q. Nine pages back.

8 A. Well, looking for January 4th or something?

9 Q. I'm looking for January 4th, yes, sir. The
 10 first transfer on the -- and, also, if you look at
 11 the pages in the account statement, it shows page 5
 12 of 53.

13 A. Yes, I see that.

14 Q. Okay. At the very first entry on this
 15 page --

16 A. Uh-huh.

17 Q. -- it shows on January 4th that there was a
 18 deposit in the amount of \$1.8 million and looking at
 19 the description it shows that that was made on
 20 behalf of you, Gerald Keller.

21 A. Yes.

22 Q. Okay. In looking at that description, do
 23 you recognize any of the other information? Are
 24 there any account numbers or any banking
 25 institutions that you recognize in that?

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1 amount of money we put in.

2 Q. And I agree that's what our Exhibit B
 3 states.

4 A. Yeah.

5 Q. I'm just trying to see if you remembered
 6 something different from that.

7 A. All I can tell you is what I see here and
 8 what I see here (indicating) seems to match.

9 MS. CARLISLE: Okay. Then I'm going to
 10 hand you now what has been marked as Exhibit No. 24.
 11 (Exhibit 24 was marked for identification.)

12 THE WITNESS: This is a nice one.

13 BY MS. CARLISLE:

14 Q. It is, but it is going to knock off a few
 15 inches of my stack here for you all at once, so
 16 figured you'd appreciate that.

17 Would you agree with me that Exhibit No. 24
 18 appears to be a monthly bank statement for an
 19 account held at Chase by Bernard L. Madoff and the
 20 ending digits of the account number are -703 and it
 21 appears to cover the time period of January of 1999?

22 A. Yeah.

23 Q. Okay.

24 A. 1st to the 29th, right.

25 Q. And I'm going to ask then that if you turn

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1 A. Not really, no.

2 Q. Okay. But do you recall making a transfer
 3 in January of 1999 of 1.8 million?

4 A. I do after I look at the papers you've
 5 given me, but that's a long time ago.

6 Q. Okay. Okay.

7 A. I don't recall.

8 MS. CARLISLE: Okay. That's fine.

9 I'm now going to hand you what has been
 10 marked as Exhibit No. 25, and if you don't mind
 11 keeping Exhibit 24 either out or where you can grab
 12 it just in case it's needed.

13 (Exhibit 25 was marked for identification.)

14 BY MS. CARLISLE:

15 Q. I've handed you Exhibit 25.

16 And I realize you have testified earlier
 17 that you weren't the person primarily responsible
 18 for reviewing these, but would you agree with me
 19 that this appears to be another monthly statement
 20 from Bernard L. Madoff for the Keller trust accounts
 21 for the month of January of 1999?

22 A. Well, it looks like part of it and it looks
 23 like we put in a million-eight.

24 Q. So you would agree with me that this
 25 appears to show on January 4th you deposited a

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<p>1 million eight and this appears to match up with the 2 bank records we just looked at?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Okay. And stepping back, you 5 mentioned that it looks like it's a part of it.</p> <p>6 Why do you believe it's only a part of the 7 statement?</p> <p>8 A. I don't know. It looks very thin. I think 9 the statements I've seen from time to time were 10 thicker than this, but maybe they weren't. I don't 11 remember really.</p> <p>12 Q. No, that's okay.</p> <p>13 Is it possible that you might have received 14 more than one document at the same time from Madoff?</p> <p>15 A. I have no idea.</p> <p>16 Q. Okay.</p> <p>17 A. I'm just going back in memory of what they 18 looked like, but this might have been it. I don't 19 remember really.</p> <p>20 Q. Okay. I'm going hand you now --</p> <p>21 A. Put this away?</p> <p>22 MS. CARLISLE: You can put that away, yes. 23 Just from here on out I'm going to be just 24 going through documents that are like one to two 25 pages and one or two will be referencing each other</p>	<p>1 Q. Okay. And do you recall whether or not you 2 would have typed this up or would somebody else have 3 typed it and you would just have signed it?</p> <p>4 A. I would just have signed it.</p> <p>5 Q. You would just have signed.</p> <p>6 Would it have been Mr. Levine typing it up 7 or might it have been somebody else?</p> <p>8 A. I would assume it was him.</p> <p>9 Q. Okay.</p> <p>10 A. Fairly simple.</p> <p>11 Q. Okay. And you would agree that this letter 12 is requesting a \$240,000 withdrawal from your 13 account?</p> <p>14 A. Yes.</p> <p>15 MS. CARLISLE: Okay. Now I'm going to show 16 you -- I'm going to hand you, excuse me, what's been 17 marked as Exhibit 28. (Exhibit 28 was marked for identification.)</p> <p>18 BY MS. CARLISLE:</p> <p>19 Q. And if you don't mind keeping Exhibit 27 20 out for just one moment --</p> <p>21 A. Sure.</p> <p>22 Q. -- because we'll compare them.</p> <p>23 Would you agree with me that the letter in 24 Exhibit 28 appears to be the same letter in</p>
<p>1 like we just did --</p> <p>2 THE WITNESS: Okay.</p> <p>3 MS. CARLISLE: -- but other than that you 4 won't need to hold on to anything.</p> <p>5 So I'm going to hand you what's been marked 6 as Exhibit No. 27. (Exhibit 27 was marked for identification.)</p> <p>7 BY MS. CARLISLE:</p> <p>8 Q. And do you recognize Exhibit No. 27?</p> <p>9 A. Obviously, looking at it, it's my signature 10 and I asked for money to be withdrawn, so I guess I 11 recognize it.</p> <p>12 Q. Okay.</p> <p>13 A. I don't recall doing it, it's a long time 14 ago, but yes.</p> <p>15 Q. Certainly.</p> <p>16 A. I recognize it.</p> <p>17 Q. I'm saying that so you do confirm that's 18 your signature?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And then I understand you may not -- 21 I certainly understand this was 13 years ago, 13 and 22 a half years ago, but at the time in 2004 was this 23 the format of the letters you might have sent?</p> <p>24 A. Yes.</p>	<p>1 Exhibit No. 27?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Okay. And in looking at Exhibit No. 28 4 there appears to be some additional handwriting on 5 it.</p> <p>6 A. Yeah.</p> <p>7 Q. Do you recognize that handwriting?</p> <p>8 A. Yes.</p> <p>9 Q. And can you tell me whose that is?</p> <p>10 A. This is a woman who had been working for 11 us. If Irwin wasn't in the office, I would send it 12 to her. She would give it to Irwin.</p> <p>13 Q. Okay. Do you remember her name?</p> <p>14 A. Marianne (phonetic).</p> <p>15 Q. And what was Marianne's role or title 16 within the company?</p> <p>17 A. She was one of the secretaries.</p> <p>18 Q. Okay. The note at the bottom, it says 19 "This is," looks like, "whose" or "This is what I 20 sent to Madoff."</p> <p>21 A. "To Madoff," right.</p> <p>22 Q. There appears to be some initials above 23 that, starts with an M. Do you recognize that? Do 24 you know whose initials those might be?</p> <p>25 A. Up on top?</p>

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18 (Pages 66 to 69)

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<p>1 Q. On top of that bottom note. 2 A. Yeah, it's "MAH." 3 Q. Okay. And who is -- 4 A. That's Marianne. 5 Q. Oh, okay. So that's how you know it was 6 Marianne? 7 A. Yes. 8 Q. So other than Marianne, was there someone 9 else in the office that might have assisted 10 Mr. Levine in handling -- 11 A. No. 12 MS. CARLISLE: No. Okay. 13 Now we're almost done with those. 14 (Discussion off the record.) 15 MS. CARLISLE: I'm going to hand you what 16 has been marked as Exhibit No. 29. 17 (Exhibit 29 was marked for identification.) 18 BY MS. CARLISLE: 19 Q. And, Mr. Keller, would you agree with me 20 that Exhibit No. 29 appears to be a check from 21 Bernard L. Madoff to you as trustee dated March 8, 22 2004, in the amount of \$240,000? 23 A. Yes. 24 Q. And looking at the back of the check that's 25 on this page, can you confirm for me whether or not</p>	<p>1 A. As far as I recall. 2 Q. Sure. No, I understand that. 3 A. Yeah. 4 MS. CARLISLE: Okay. I'm going to hand you 5 now what has been marked as Exhibit No. 30. 6 (Exhibit 30 was marked for identification.) 7 BY MS. CARLISLE: 8 Q. And in comparing Exhibit No. 30 to 9 Exhibit No. 29, other than possibly it looks like 10 there's a couple different stamps on Exhibit No. 30, 11 do these appear to be photocopies of the same check? 12 A. It's gotten bigger, but it's the same 13 check. 14 Q. It's the same check. Certainly, I 15 understand. 16 Okay. Jennifer, I'm skipping Exhibit 31. 17 MS. ALLIM: Okay. 18 MS. CARLISLE: Mr. Keller, I'm going to 19 hand you what has been marked as Exhibit No. 32. 20 (Exhibit 32 was marked for identification.) 21 BY MS. CARLISLE: 22 Q. Would you agree with me that Exhibit No. 32 23 appears to be a letter from you -- or a letter 24 signed by you to Bernard L. Madoff Investment 25 Securities requesting a withdrawal in the amount of</p>
<p>1 that is your signature? 2 A. Yes. 3 Q. And is that the endorsement for Keller 4 International Publishing? 5 A. Yes. 6 Q. Okay. And would you agree with me looking 7 at these that this check in Exhibit No. 29 appears 8 to match up with the letters we just looked at in 9 Exhibits 27 and 28? 10 A. Yes. 11 Q. Okay. And, generally speaking, when you 12 sent requests to BLMIS for withdrawals, did you ever 13 have an issue obtaining the monies requested? 14 A. No. 15 Q. So it's safe to say every time you received 16 a request you received the money? 17 A. Yes, as far as I know. 18 Q. What would have been steps you might have 19 taken if you hadn't received the money? 20 A. I'd cry. No. 21 Never thought about it really. 22 Q. Okay. 23 A. It was never a problem. 24 Q. Never a problem, okay. 25 I'm now going to hand you --</p>	<p>1 \$230,000? 2 A. Yes. 3 Q. And it's dated April 6, 2004? 4 A. Yes. 5 MS. CARLISLE: I'm going to hand you what 6 has been marked as Exhibit No. 33. 7 (Exhibit 33 was marked for identification.) 8 BY MS. CARLISLE: 9 Q. And would you agree with me that 10 Exhibit No. 33 appears to be a check from -- a 11 photocopy of a check from Bernard Madoff to you as 12 trustee dated April 13, 2004, in the amount of 13 \$230,000? 14 A. Yup. 15 Yes. 16 Q. I think "yup" she got, it's more the 17 "uh-huhs" and "huh-uhs" that are hard. But thank 18 you, I appreciate that. 19 Looking at the back of the check, can you 20 confirm for me whether that is your signature in the 21 endorsement -- 22 A. Yes. 23 Q. -- for Keller Publishing? 24 A. Yeah. 25 Q. Okay. And comparing Exhibits 32 and 33,</p>

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19 (Pages 70 to 73)

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<p>1 would you agree that Exhibit 33 appears to be the 2 check that corresponds to your request in 32?</p> <p>3 A. Yes.</p> <p>4 MS. CARLISLE: Okay. I'm now going to hand 5 you what has been marked as Exhibit No. 34. 6 (Exhibit 34 was marked for identification.)</p> <p>7 BY MS. CARLISLE: 8 Q. And, Mr. Keller, in looking at 9 Exhibit No. 34, would you agree with me that 10 Exhibit 34 appears to be a photocopy of the same 11 check that we just looked at in Exhibit No. 33?</p> <p>12 A. Yes.</p> <p>13 MS. CARLISLE: Okay. Thank you. 14 I'm now going to hand you what has been 15 marked as Exhibit No. 36. 16 (Exhibit 36 was marked for identification.)</p> <p>17 BY MS. CARLISLE: 18 Q. And, Mr. Keller, do you recognize 19 Exhibit No. 36? 20 A. I recognize it, yes. It's similar to the 21 other two with a different amount of money. 22 Q. Okay. And it's also -- this one has a 23 different letterhead; correct? 24 A. I'm not really sure. 25 No, I guess it does.</p>	<p>1 your request in Exhibit No. 37? 2 I'm sorry, 36. 3 A. 36, yeah. 4 Q. 36, excuse me. 5 A. That's okay. 6 Yeah. 7 MS. CARLISLE: Yes? Okay. 8 I'm going to hand you what has been marked 9 as Exhibit No. 40. 10 (Exhibit 40 was marked for identification.)</p> <p>11 BY MS. CARLISLE: 12 Q. And, Mr. Keller, do you recognize 13 Exhibit No. 40? 14 A. Same as the other ones, yes. 15 Q. Okay. And this one doesn't have the 16 letterhead. Do you know why certain ones did or did 17 not? 18 A. No. No reason for it, as far as I can 19 tell. 20 Q. Okay. And would you agree that Exhibit 40 21 appears to be a letter from -- signed by you to 22 Bernard L. Madoff Investment Securities dated 23 September 22nd of 2004 requesting a check in the 24 amount of \$200,000? 25 A. I agree.</p>
<p>1 Q. Okay. The letterhead that's on Exhibit 36, 2 was that the letterhead used by Keller Publishing at 3 the time? 4 A. Yes. 5 Q. Would you agree with me that Exhibit 36 6 appears to be letter from you -- or signed by you to 7 Bernard L. Madoff Investment Securities on 8 June 22nd, 2004, requesting a withdrawal in the 9 amount of \$200,000? 10 A. Yes. 11 MS. CARLISLE: Okay. I'm now going to hand 12 you what has been marked as Exhibit No. 38. 13 (Exhibit 38 was marked for identification.)</p> <p>14 BY MS. CARLISLE: 15 Q. And would you agree with me that 16 Exhibit No. 38 appears to be a check from Bernard L. 17 Madoff to you as trustee dated -- it's hard to read, 18 but June 28th of 2004 in the amount of \$200,000? 19 A. Yes. 20 Q. And looking at the back of the check can 21 you confirm whether or not that is your signature 22 and endorsement? 23 A. It is. 24 Q. Okay. And would you agree with me that 25 this check in Exhibit 38 appears to correspond with</p>	<p>1 MS. CARLISLE: Okay. I'm going to hand you 2 now what has been marked as Exhibit No. 41. 3 (Exhibit 41 was marked for identification.)</p> <p>4 BY MS. CARLISLE: 5 Q. And, Mr. Keller, would you agree with me 6 that Exhibit No. 41 appears to be a check from 7 Bernard L. Madoff to you dated September 24th, 2004, 8 in the amount of \$200,000? 9 A. I agree. 10 Q. Can you confirm for me whether or not 11 that's your signature and endorsement information on 12 the back of the check? 13 A. It is. 14 Q. And looking at Exhibit No. 41 does it 15 appear to correspond with your request in No. 40? 16 A. Yes. 17 MS. CARLISLE: Okay. Now going to hand you 18 what has been marked as Exhibit No. 42. 19 (Exhibit 42 was marked for identification.)</p> <p>20 BY MS. CARLISLE: 21 Q. Mr. Keller, in comparing Exhibit No. 42 and 22 41, again, other than possibly some stamps, do these 23 appear to be photocopies of the same checks? 24 A. Yes. 25 MS. CARLISLE: Okay. Thank you.</p>

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20 (Pages 74 to 77)

<p style="text-align: right;">Page 74</p> <p>1 (Discussion off the record.) 2 MS. CARLISLE: I'm going to hand you what 3 has been marked as Exhibit No. 44. 4 (Exhibit 44 was marked for identification.) BY MS. CARLISLE: 5 Q. Mr. Keller, similar to the other letters 6 we've looked at, do you recognize this letter? 7 A. Yes, I do. 8 Q. Okay. And would you agree that this 9 appears to be a letter dated January 3rd, 2005, 10 signed by you to Bernard L. Madoff Investment 11 Securities requesting a withdrawal in the amount of 12 \$300,000? 13 A. It does, yes. 14 Q. Okay. And just looking at the top of this, 15 I haven't asked this on any other others, but do you 16 recognize that fax number as being -- 17 A. Yes. 18 Q. Is that one by Keller Publishing or -- 19 A. That's mine. 20 Q. That's your personal? 21 A. Yeah. 22 MS. CARLISLE: Okay. I'm now going to hand 23 you what has been marked as Exhibit No. 45. 24 (Exhibit 45 was marked for identification.)</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. I've handed you what has been marked as 2 Exhibit No. 46. And, Mr. Keller, in comparing 3 Exhibit No. 46 with Exhibit No. 47, would you agree 4 with me that these both appear to be photocopies of 5 the same -- 6 A. I'm looking at Exhibit 45. 7 Q. I'm sorry, 45. You're right, 45 and 46. 8 A. Yeah. 9 Q. Would you agree with me -- 10 A. Yeah. 11 Q. -- those appear to be copies of the same 12 check? 13 A. Yeah. 14 MS. CARLISLE: Okay. I'm going to hand you 15 what has been marked as Exhibit No. 48. 16 (Exhibit 48 was marked for identification.) BY MS. CARLISLE: 17 Q. And, Mr. Keller, would you agree with me 18 that this appears to be a check signed by you dated 19 March 31st of 2005 to Bernard L. Madoff Investment 20 Securities requesting a withdrawal in the amount of 21 \$275,000? 22 A. Yeah. 23 MS. CARLISLE: Okay. And, Jennifer, I'm 24 going to go out of order real quick, but I'm going</p>
<p style="text-align: right;">Page 75</p> <p>1 BY MS. CARLISLE: 2 Q. Mr. Keller, would you agree with me that 3 Exhibit No. 45 appears to be a copy of a check from 4 Bernard Madoff to you as trustee dated 5 December 27th, 2004, in the amount of \$300,000? 6 A. I agree. 7 Q. Okay. And looking at the back of the 8 check, can you confirm whether or not that's your 9 signature and endorsement information? 10 A. It is. 11 Q. And in comparing the check in Exhibit 45 to 12 your request in Exhibit 44, do those appear to 13 correspond to one another? 14 A. They do. 15 MS. CARLISLE: Okay. I'm going to now hand 16 you what has been marked as Exhibit No. 46. 17 (Exhibit 46 was marked for identification.) BY MS. CARLISLE: 18 Q. For the record, you were just marking, 19 checking things off on Exhibit No. 13, correct -- 20 A. Yeah. 21 Q. -- as we've gone through them? 22 A. Uh-huh. 23 MS. CARLISLE: So he's not changing the 24 substance though, but I appreciate that.</p>	<p style="text-align: right;">Page 77</p> <p>1 to get to both of the next two exhibits. 2 MS. ALLIM: Okay. 3 MS. CARLISLE: I'm going to hand you what 4 has been marked as Exhibit No. 50. 5 (Exhibit 50 was marked for identification.) BY MS. CARLISLE: 6 Q. Okay. Mr. Keller, would you agree that 7 Exhibit 50 appears to be a photocopy of the check 8 from Bernard L. Madoff to you dated April 1st of 9 2005 in the amount of \$275,000? 10 A. Yeah, I agree. 11 Q. And comparing Exhibit 50 to the letter in 12 Exhibit 48, would you agree that that check appears 13 to correspond with your request? 14 A. It does. 15 Q. Okay. And turning to the second page of 16 Exhibit No. 50, can you confirm for me whether or 17 not that is your signature and endorsement 18 information? 19 A. Yes. 20 MS. CARLISLE: Okay. And then I'm now 21 going to hand you what's been marked as 22 Exhibit No. 49, and it's a dark copy which is why I 23 took these out of order. 24 (Exhibit 49 was marked for identification.)</p>

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21 (Pages 78 to 81)

<p style="text-align: right;">Page 78</p> <p>1 THE WITNESS: Uh-huh. 2 BY MS. CARLISLE: 3 Q. But in comparing Exhibit Nos. 49 and 50, 4 would you agree with me that they appear to be 5 photocopies of the same check? 6 A. Yes, they are. 7 Q. They are. 8 A. They appear to be, yeah. 9 MS. CARLISLE: Okay. Thank you. 10 I'm going to hand you what has been 11 marked -- 12 THE WITNESS: Can I just rest for one 13 second, tell my wife I'm still alive? 14 MS. CARLISLE: I'm sorry, yes. 15 THE VIDEOGRAPHER: We're off the record at 16 11:51 a.m. 17 (Luncheon recess.) 18 THE VIDEOGRAPHER: We're back on the record 19 at 12:27 p.m. and it is the beginning of Media 20 No. 2. 21 MS. CARLISLE: Okay. Mr. Keller, I'm going 22 to hand you what has been marked as Exhibit No. 52. 23 (Exhibit 52 was marked for identification.) 24 BY MS. CARLISLE: 25 Q. And would you agree this appears to be a</p>	<p style="text-align: right;">Page 80</p> <p>1 the check? 2 A. Yes. 3 Q. Yes, it is? 4 A. Yes. 5 Q. Okay. And then comparing Exhibit 53 to 6 Exhibit 52, would you agree with me that the check 7 in Exhibit 53 appears to correspond with your 8 request in Exhibit No. 52? 9 A. Yes, it does. 10 MS. CARLISLE: Okay. Now going to hand you 11 what has been marked as Exhibit 54. 12 (Exhibit 54 was marked for identification.) 13 BY MS. CARLISLE: 14 Q. And, Mr. Keller, comparing Exhibit No. 54 15 to Exhibit No. 53, would you agree that these both 16 appear to be photocopies of the same check? 17 A. Yes. 18 MS. CARLISLE: Okay. Thank you. 19 I'm going to hand you what has been marked 20 as Exhibit 56. 21 (Exhibit 56 was marked for identification.) 22 BY MS. CARLISLE: 23 Q. Mr. Keller, would you agree with me that 24 Exhibit 56 appears to be a letter signed by you 25 dated June 24th, 2005, to Bernard L. Madoff</p>
<p style="text-align: right;">Page 79</p> <p>1 letter signed by you dated March 10th, 2005, to 2 Bernard L. Madoff Investment Securities requesting a 3 withdrawal in the amount of \$250,000? 4 A. Yes. 5 Q. And can you confirm for me that is your 6 signature at the bottom? 7 A. Yes. 8 Q. Okay. Thank you. 9 A. Excuse me, one sec. Do I need to keep this 10 thing here? 11 Q. You don't necessarily, no, sir. 12 A. Okay. 13 MS. CARLISLE: As thick as it was, we only 14 had the one question. 15 I'm going to hand you what has been marked 16 as Exhibit No. 53. 17 (Exhibit 53 was marked for identification.) 18 BY MS. CARLISLE: 19 Q. Mr. Keller, would you agree with me 20 Exhibit 53 appears to be a check from Bernard L. 21 Madoff to you dated May 11th, 2005, in the amount of 22 \$250,000? 23 A. Yes. 24 Q. And can you confirm for me whether or not 25 that's your signature and endorsement on the back of</p>	<p style="text-align: right;">Page 81</p> <p>1 Investment Securities requesting a withdrawal in the 2 amount of \$200,000? 3 A. Yes. 4 MS. CARLISLE: Okay. I'm going to hand you 5 what has been marked as Exhibit No. 57. 6 (Exhibit 57 was marked for identification.) 7 BY MS. CARLISLE: 8 Q. And, Mr. Keller, would you agree with me 9 that Exhibit No. 57 appears to be a copy of a check 10 from Bernard Madoff to you dated June 28th, 2005, in 11 the amount of \$200,000? 12 A. Yes. 13 Q. In looking at the back of the check, can 14 you confirm for me whether or not that is your 15 signature and endorsement? 16 A. I can. 17 Q. Thank you. 18 And would you agree with me that the check 19 in Exhibit No. 57 appears to correspond with the 20 request that we just looked at in Exhibit No. 56? 21 A. Yes. 22 MS. CARLISLE: I'm now handing you what has 23 been marked as Exhibit No. 58. 24 (Exhibit 58 was marked for identification.) 25 ///</p>

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22 (Pages 82 to 85)

<p style="text-align: right;">Page 82</p> <p>1 BY MS. CARLISLE:</p> <p>2 Q. And comparing Exhibit No. 58 with</p> <p>3 Exhibit No. 57, would you agree with me that these</p> <p>4 appear to be photocopies of the same check?</p> <p>5 A. Yes.</p> <p>6 MS. CARLISLE: Okay. Thank you.</p> <p>7 I'm going to hand you what has been marked</p> <p>8 as Exhibit No. 60.</p> <p>9 (Exhibit 60 was marked for identification.)</p> <p>10 BY MS. CARLISLE:</p> <p>11 Q. Mr. Keller, would you agree with me that</p> <p>12 Exhibit No. 60 appears to be a letter signed by you</p> <p>13 to Bernard L. Madoff Investment Securities, LLC,</p> <p>14 dated October 6th, 2005, requesting a withdrawal in</p> <p>15 the amount of \$125,000?</p> <p>16 A. Yes.</p> <p>17 MS. CARLISLE: Okay. I'm going to hand you</p> <p>18 what has been marked as Exhibit No. 61.</p> <p>19 (Exhibit 61 was marked for identification.)</p> <p>20 BY MS. CARLISLE:</p> <p>21 Q. Mr. Keller, would you agree with me that</p> <p>22 Exhibit No. 61 appears to be a check from Bernard L.</p> <p>23 Madoff dated October 11th, 2005, to you in the</p> <p>24 amount of \$125,000?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1 appears to be a letter signed by you dated</p> <p>2 January 30th of 2006 to Bernard L. Madoff Investment</p> <p>3 Securities requesting a withdrawal in the amount of</p> <p>4 \$200,000?</p> <p>5 A. Yes.</p> <p>6 MS. CARLISLE: Okay. Now going to hand</p> <p>7 you, excuse me, what has been marked as</p> <p>8 Exhibit No. 65.</p> <p>9 (Exhibit 65 was marked for identification.)</p> <p>10 BY MS. CARLISLE:</p> <p>11 Q. And, Mr. Keller, would you agree with me</p> <p>12 that Exhibit No. 65 appears to be a check, a copy of</p> <p>13 a check, from Bernard Madoff to you dated</p> <p>14 February 3rd of 2006 in the amount of \$200,000?</p> <p>15 A. Yes.</p> <p>16 Q. And can you confirm for me whether or not</p> <p>17 that is your signature and endorsement on the back?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And would you agree with me that the</p> <p>20 check we're looking at in Exhibit No. 65 appears to</p> <p>21 correspond with the request you made in Exhibit</p> <p>22 No. 64?</p> <p>23 A. Yes, I do.</p> <p>24 MS. CARLISLE: I'm going to hand you what</p> <p>25 has been marked as Exhibit No. 66.</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Can you confirm for me whether or not that</p> <p>2 is your signature and endorsement on the back of the</p> <p>3 check?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And comparing Exhibit No. 61 with</p> <p>6 Exhibit No. 60 that we just looked at, would you</p> <p>7 agree with me that Exhibit No. 61, the check,</p> <p>8 appears to correspond with your request in</p> <p>9 Exhibit No. 60?</p> <p>10 A. Yes, it does.</p> <p>11 MS. CARLISLE: Okay. Thank you.</p> <p>12 I'm going to hand you now what has been</p> <p>13 marked as Exhibit No. 62.</p> <p>14 (Exhibit 62 was marked for identification.)</p> <p>15 BY MS. CARLISLE:</p> <p>16 Q. And, Mr. Keller, comparing Exhibit Nos. 62</p> <p>17 and 61, would you agree with me these appear to be</p> <p>18 photocopies of the same check?</p> <p>19 A. Yes, they are.</p> <p>20 MS. CARLISLE: Thank you.</p> <p>21 I'm going to hand you now what has been</p> <p>22 marked as Exhibit No. 64.</p> <p>23 (Exhibit 64 was marked for identification.)</p> <p>24 BY MS. CARLISLE:</p> <p>25 Q. Mr. Keller, would you agree that this</p>	<p style="text-align: right;">Page 85</p> <p>1 (Exhibit 66 was marked for identification.)</p> <p>2 BY MS. CARLISLE:</p> <p>3 Q. And, Mr. Keller, would you agree with me</p> <p>4 that Exhibit No. 66 appears to be a photocopy of the</p> <p>5 same check we just looked at in Exhibit No. 65?</p> <p>6 A. Yes.</p> <p>7 MS. CARLISLE: Okay. I'm going to hand you</p> <p>8 now what has been marked as Exhibit No. 68.</p> <p>9 (Exhibit 68 was marked for identification.)</p> <p>10 BY MS. CARLISLE:</p> <p>11 Q. And, Mr. Keller, Exhibit No. 68 appears to</p> <p>12 be a letter signed by you dated March 31st, 2006, to</p> <p>13 Bernard L. Madoff Investment Securities; is that</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. This letter is requesting a withdrawal in</p> <p>17 the amount of \$200,000?</p> <p>18 A. Yes.</p> <p>19 MS. CARLISLE: Okay. I'm going to hand you</p> <p>20 now what has been marked Exhibit No. 69.</p> <p>21 (Exhibit 69 was marked for identification.)</p> <p>22 BY MS. CARLISLE:</p> <p>23 Q. And, Mr. Keller, would you agree with me</p> <p>24 that Exhibit No. 69 appears to be a check from</p> <p>25 Bernard L. Madoff to you dated March 3rd, 2006, in</p>

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23 (Pages 86 to 89)

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<p>1 the amount of \$200,000?</p> <p>2 A. Yes.</p> <p>3 Q. Can you confirm for me whether or not that</p> <p>4 is your signature and endorsement on the back of the</p> <p>5 check?</p> <p>6 A. It is.</p> <p>7 Q. Okay. And in looking at the check in</p> <p>8 Exhibit 69, would you agree with me that this check</p> <p>9 appears to correspond with the request we just</p> <p>10 looked at in Exhibit No. 68?</p> <p>11 A. Yes, it does.</p> <p>12 MS. CARLISLE: Okay. Thank you.</p> <p>13 I'm going to hand you now what has been</p> <p>14 marked as Exhibit No. 70.</p> <p>15 (Exhibit 70 was marked for identification.)</p> <p>16 BY MS. CARLISLE:</p> <p>17 Q. And, Mr. Keller, would you agree with me</p> <p>18 that Exhibit No. 70 and Exhibit No. 69 both appear</p> <p>19 to be photocopies of the same check?</p> <p>20 A. Yes, they are.</p> <p>21 MS. CARLISLE: Okay. Thank you.</p> <p>22 I'm going to hand you what has been marked</p> <p>23 as Exhibit No. 72.</p> <p>24 (Exhibit 72 was marked for identification.)</p> <p>25 //</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And can you confirm for me whether</p> <p>3 or not the signature and endorsement on the back of</p> <p>4 the check is your signature?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And in comparing Exhibits No. 73 and</p> <p>7 72, does it appear that the check in 73 corresponds</p> <p>8 with your request in Exhibit 72?</p> <p>9 A. Yes, it does.</p> <p>10 MS. CARLISLE: I'm going to hand you what</p> <p>11 has been marked Exhibit No. 74.</p> <p>12 (Exhibit 74 was marked for identification.)</p> <p>13 BY MS. CARLISLE:</p> <p>14 Q. And, Mr. Keller, would you agree with me</p> <p>15 that Exhibit 74 and Exhibit 73 both appear to be</p> <p>16 photocopies of the same check?</p> <p>17 A. Yes.</p> <p>18 MS. CARLISLE: Okay. Jennifer, I'm</p> <p>19 skipping over a few.</p> <p>20 MS. ALLIM: Okay.</p> <p>21 THE WITNESS: Good.</p> <p>22 MS. CARLISLE: I know. It's the little</p> <p>23 things.</p> <p>24 I'm going to hand you now what has been</p> <p>25 marked as Exhibit No. 78.</p>
<p>1 BY MS. CARLISLE:</p> <p>2 Q. Mr. Keller, would you agree that Exhibit 72</p> <p>3 appears to be a letter signed by you dated May 31st</p> <p>4 of 2006 to Bernard L. Madoff Investment Securities</p> <p>5 requesting a withdrawal in the amount of \$100,000?</p> <p>6 A. I agree.</p> <p>7 Q. Okay. And looking at the top of this one,</p> <p>8 just because it looks like it's a little -- it's a</p> <p>9 different fax -- I don't know what you call those,</p> <p>10 fax stamp?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Do you recognize that as being your fax</p> <p>13 number?</p> <p>14 A. Yes.</p> <p>15 MS. CARLISLE: Okay. Thank you.</p> <p>16 I'm going to hand you now what has been</p> <p>17 marked as Exhibit 73.</p> <p>18 (Exhibit 73 was marked for identification.)</p> <p>19 BY MS. CARLISLE:</p> <p>20 Q. And, Mr. Keller, would you agree with me</p> <p>21 that Exhibit No. 73 appears to be a photocopy of a</p> <p>22 check from Bernard Madoff to you and the date is</p> <p>23 difficult to read, but it looks like it may be</p> <p>24 June 1st of 2006 and the check's in the amount of</p> <p>25 \$100,000?</p>	<p>1 (Exhibit 78 was marked for identification.)</p> <p>2 BY MS. CARLISLE:</p> <p>3 Q. And, Mr. Keller, would you agree with me</p> <p>4 that Exhibit No. 78 appears to be a letter signed by</p> <p>5 you dated September 15th of 2006 to Bernard L.</p> <p>6 Madoff Investment Securities requesting a withdrawal</p> <p>7 in the amount of 150,000?</p> <p>8 A. I agree.</p> <p>9 MS. CARLISLE: Okay. Now going to hand you</p> <p>10 what has been marked as Exhibit No. 79.</p> <p>11 (Exhibit 79 was marked for identification.)</p> <p>12 BY MS. CARLISLE:</p> <p>13 Q. And, Mr. Keller, would you agree with me</p> <p>14 that Exhibit 79 appears to be a photocopy of a check</p> <p>15 from Bernard Madoff to you dated September 20th,</p> <p>16 2006, in the amount of \$150,000?</p> <p>17 A. Yes, I agree.</p> <p>18 Q. Can you confirm for me whether or not that</p> <p>19 is your signature and endorsement information on the</p> <p>20 back of the check?</p> <p>21 A. Yes, it is.</p> <p>22 Q. Okay. Looking at Exhibit No. 79, would you</p> <p>23 agree this check appears to correspond with your</p> <p>24 request in Exhibit 78?</p> <p>25 A. Yes, it does.</p>

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24 (Pages 90 to 93)

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<p>1 MS. CARLISLE: Thank you. 2 And Exhibit No. 80. 3 (Exhibit 80 was marked for identification.) 4 BY MS. CARLISLE: 5 Q. Mr. Keller, in comparing Exhibit Nos. 79 6 and 80 would you agree with me that they both appear 7 to be copies of the same check? 8 A. Yes. 9 MS. CARLISLE: Okay. Thank you. 10 (Exhibit 82 was marked for identification.) 11 BY MS. CARLISLE: 12 Q. Mr. Keller, I'm going to hand you what has 13 been marked as Exhibit 82 and just ask: Do you 14 recall ever seeing documents like this? 15 A. No, not really. 16 Q. No. 17 If I said this was a quarterly report sent 18 out by BLMIS, do you recall ever seeing those? 19 A. Not really. 20 Q. Okay. That would be something 21 Mr. Levine -- 22 A. -- Levine would see. 23 Q. -- would see, okay. 24 A. Right. 25 MS. CARLISLE: I'm going to now hand you</p>	<p>1 appears to be? 2 A. Yes. 3 Q. Okay. And can you confirm for me whether 4 or not that is your endorsement and signature? 5 A. Yes, it is. 6 Q. Thank you. 7 In comparing Exhibit No. 84 to Exhibit 85, 8 would you agree that this check appears to 9 correspond with the request? 10 A. I don't have 85. 11 Q. I'm sorry, 84 and 83. 12 A. Yes. There you go. 13 MS. CARLISLE: Okay. Thank you. 14 Now you'll have 85. I was ahead of myself. 15 (Exhibit 85 was marked for identification.) 16 BY MS. CARLISLE: 17 Q. Would you agree with me that Exhibit 85 18 appears to be a copy of the same check we looked at 19 in Exhibit No. -- 20 A. I agree. 21 MS. CARLISLE: -- 84? Okay. 22 I'm going to hand you what has been marked 23 as Exhibit No. 87. 24 (Exhibit 87 was marked for identification.) 25 ///</p>
<p>1 what has been marked as Exhibit No. 83. 2 (Exhibit 83 was marked for identification.) 3 BY MS. CARLISLE: 4 Q. Mr. Keller, would you agree with me 5 Exhibit 83 appears to be a letter signed by you 6 dated February 12th, 2007, to Bernard L. Madoff 7 Investment Securities requesting a withdrawal in the 8 amount of \$200,000? 9 A. I agree. 10 Q. And can you confirm that is your signature? 11 A. It is. 12 MS. CARLISLE: I think by now I know it, 13 but just double-checking. 14 I'm going to hand you what has been marked 15 as Exhibit No. 84. 16 (Exhibit 84 was marked for identification.) 17 BY MS. CARLISLE: 18 Q. And, Mr. Keller, would you agree with me 19 that Exhibit 84 appears to be a photocopy of a check 20 from Bernard Madoff to you dated February 14th of 21 2007 in the amount of \$200,000? 22 A. It was a Valentine's Day gift. 23 Q. Was it? Who was the lucky Valentine? 24 A. Me. 25 Q. Okay. But you would agree that's what this</p>	<p>1 BY MS. CARLISLE: 2 Q. Would you agree with me that Exhibit No. 87 3 appears to be a letter from -- signed by you dated 4 April 5th, 2007, to Bernard L. Madoff Investment 5 Securities requesting a withdrawal in the amount of 6 \$300,000? 7 A. I agree. 8 MS. CARLISLE: Okay. I'm going to hand you 9 what's been marked as Exhibit 88. 10 (Exhibit 88 was marked for identification.) 11 BY MS. CARLISLE: 12 Q. Would you agree with me that Exhibit 88 13 appears to be a copy of a check from Bernard L. 14 Madoff to you dated April 10th, 2007, in the amount 15 of \$300,000? 16 A. I agree. 17 Q. And can you confirm whether or not that's 18 your signature and endorsement on the back of the 19 check? 20 A. I confirm. 21 Q. Thank you. 22 And comparing Exhibit 88 to the request in 23 Exhibit 87, would you agree that the check in 88 24 appears to correspond to that request? 25 A. It does.</p>

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<p>1 Q. Okay. 2 A. Now give me the big one. 3 Q. Pardon? 4 A. Give me the large one. 5 Q. No, there's no more large ones. They're 6 all -- 7 A. No, I mean the blown-up version of this 8 check. 9 Q. Oh, yes. I'm sorry. No, no, no. Yes. 10 See, I thought you meant a large exhibit. 11 A. No. 12 MS. CARLISLE: Okay. I've handed you what 13 has been marked as Exhibit No. 89. 14 (Exhibit 89 was marked for identification.) 15 BY MS. CARLISLE: 16 Q. And comparing Exhibit 89 to Exhibit No. 88, 17 can you confirm these are copies of the same check? 18 A. I confirm. 19 Q. Thank you. 20 A. There's a lot more? 21 Q. Yes, sir. 22 A. Jesus. 23 MS. CARLISLE: I know. 24 We're moving through them quickly though, 25 so hopefully that makes up a little bit for you.</p>	<p>1 MS. CARLISLE: Thank you. 2 Handing you now what has been marked as 3 Exhibit 93. 4 (Exhibit 93 was marked for identification.) 5 BY MS. CARLISLE: 6 Q. And would you agree with me that 7 Exhibit No. 93 appears to be a copy of the same 8 check as Exhibit No. 92? 9 A. I agree. 10 MS. CARLISLE: Now I'm going to hand you 11 something a little different. This is 12 Exhibit No. 94. 13 (Exhibit 94 was marked for identification.) 14 BY MS. CARLISLE: 15 Q. And do you recognize this exhibit or this 16 document? 17 A. No, not really. 18 Q. Okay. Would you agree that this appears to 19 be a copy of the monthly account statement for 20 Keller International Publishing for June of 2007? 21 A. It looks like that, but -- okay. 22 Q. During this time period did you manage the 23 bank account for Keller International Publishing? 24 A. No. 25 Q. No.</p>
<p>1 I'm handing you what has been marked as 2 Exhibit No. 91. 3 (Exhibit 91 was marked for identification.) 4 BY MS. CARLISLE: 5 Q. Would you agree with me that Exhibit No. 91 6 appears to be a letter signed by you dated June 1st, 7 2007, to Bernard L. Madoff Investment Securities 8 requesting a withdrawal of \$125,000? 9 A. I agree. 10 MS. CARLISLE: I'm going to hand you what 11 has been marked as Exhibit No. 92. 12 (Exhibit 92 was marked for identification.) 13 BY MS. CARLISLE: 14 Q. Would you agree with me Exhibit No. 92 is a 15 photocopy of a check from Bernard L. Madoff to you 16 dated June 6th, 2007, in the amount of \$125,000? 17 A. I agree. 18 Q. Okay. And can you confirm for me whether 19 or not that's your signature and endorsement? 20 A. I confirm. 21 Q. Thanks. 22 And would you agree with me that the check 23 in Exhibit No. 92 appears to correspond with the 24 letter we looked at in Exhibit 91? 25 A. I agree. I confirm.</p>	<p>1 So would you have received a copy of 2 this -- 3 A. No. 4 Q. -- account statement? 5 No. 6 I believe you described this earlier, but 7 I'm not sure you answered this specific question, 8 but were you the individual who would physically 9 take the BLMIS checks and bring them to the bank or 10 did you simply sign them and hand them over to be 11 deposited? 12 A. I signed them and someone else took them. 13 Q. So you're not personally familiar with 14 whether or not they were deposited one check at a 15 time or maybe they took in three or four checks at 16 once? 17 A. I have no idea. 18 Q. You have no idea. Okay. 19 In looking at this deposit slip -- or, I'm 20 sorry, not this deposit slip, this account 21 statement -- 22 A. Uh-huh. 23 Q. -- if you look on page 2 the first entry on 24 June 7th shows a deposit in the amount of 25 \$138,671.35.</p>

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26 (Pages 98 to 101)

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<p>1 A. Uh-huh. 2 Q. Do you see that? 3 A. I see it. 4 Q. Do you know whether or not that deposit was 5 of multiple checks that might have included the 6 check we just looked at for \$125,000 or do you know 7 if that was the practice? 8 A. It looks to me like it would be more than 9 one check for those different amounts, so it looks 10 like it's more than one check. 11 Q. If that's what this was, but do you know 12 whether or not -- 13 A. I do not know. It looks like it's more 14 than one check, but I do not know. 15 Q. Okay. All right. 16 Do you know who within Keller International 17 Publishing would have been the person to make the 18 deposits on behalf of the company? 19 A. No. 20 Q. No. Okay. 21 Would it have been Mr. Levine? 22 A. It would have probably been Mr. Levine. 23 MS. CARLISLE: Okay. Okay. I'm going to 24 hand you now what has been marked as Exhibit No. 96. 25 (Exhibit 96 was marked for identification.)</p>	<p>1 Q. -- that check -- 2 A. No. 3 Q. -- and any delays at all? 4 A. No. 5 MS. CARLISLE: No. 6 Okay. Then I'm now going to hand you what 7 has been marked Exhibit No. 98. 8 (Exhibit 98 was marked for identification.) 9 BY MS. CARLISLE: 10 Q. And in comparing the checks in 11 Exhibit Nos. 98 and 97, would you agree those appear 12 to be copies of the same check? 13 A. Yes. 14 Q. Okay. And just stepping back a minute, 15 when we were looking a minute ago at the Keller 16 International Publishing bank statements -- 17 A. Yes. 18 Q. -- would Mr. Levine be the individual to 19 ask any questions I might have about those? 20 I mean to the best of your knowledge. I 21 understand you may not know what he does or doesn't 22 know. 23 A. Yes, I would guess so. 24 Q. Okay. Okay. Is there anyone else within 25 the company that might have reviewed those records</p>
<p>1 BY MS. CARLISLE: 2 Q. Mr. Keller, in looking at Exhibit No. 96 -- 3 I'm sorry. 4 Would you agree with me that Exhibit No. 96 5 appears to be a letter from you to Bernard L. Madoff 6 Investment Securities on July 2nd, 2007, requesting 7 a withdrawal in the amount of \$125,000? 8 A. Yes. 9 MS. CARLISLE: Now going to hand you what 10 has been marked as Exhibit No. 97. 11 (Exhibit 97 was marked for identification.) 12 BY MS. CARLISLE: 13 Q. And, Mr. Keller, would you agree with me 14 that Exhibit No. 97 is a photocopy of a check from 15 Bernard L. Madoff to you dated July 25th, 2007, in 16 the amount of \$125,000? 17 A. Yes. 18 Q. Okay. And would you agree with me that the 19 check in Exhibit No. 97 appears to correspond with 20 the request in Exhibit No. 96? 21 A. It appears, but the time difference 22 seems -- July 2nd to July 25 seems like a long time, 23 but -- 24 Q. Do you recall anything at all about -- 25 A. No.</p>	<p>1 or know any more? 2 A. No. 3 MS. CARLISLE: Now going to hand you what 4 has been marked as Exhibit 101. 5 (Exhibit 101 was marked for identification.) 6 BY MS. CARLISLE: 7 Q. And, Mr. Keller, would you agree with me 8 that Exhibit 101 is a letter signed by you to 9 Bernard L. Madoff Investment Securities dated August 10 20th of 2007 and it's requesting a withdrawal in the 11 amount of \$100,000? 12 A. Yes. 13 MS. CARLISLE: Okay. And I'm going to hand 14 you what has been marked as Exhibit 102. 15 (Exhibit 102 was marked for identification.) 16 BY MS. CARLISLE: 17 Q. And, Mr. Keller, would you agree with me 18 that Exhibit 102 appears to be a photocopy of a 19 check from Bernard L. Madoff to you dated 20 August 21st, 2007, in the amount of \$100,000? 21 A. Yes, I agree. 22 Q. And in looking at Exhibit No. 102, can you 23 confirm whether or not that's your signature and 24 your endorsement? 25 A. Yes, it is.</p>

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27 (Pages 102 to 105)

<p style="text-align: center;">Page 102</p> <p>1 Q. Okay. And would you agree me that the 2 check we just looked at in Exhibit No. 102 appears 3 to correspond with the request we looked at in 4 Exhibit No. 101?</p> <p>5 A. Yes, it does.</p> <p>6 MS. CARLISLE: I'm going to hand you what 7 has been marked as Exhibit No. 103. 8 (Exhibit 103 was marked for identification.)</p> <p>9 BY MS. CARLISLE:</p> <p>10 Q. And, Mr. Keller, would you agree with me 11 that Exhibit No. 103 appears to be a photocopy of 12 the same check that we looked at in Exhibit No. 102?</p> <p>13 A. I agree.</p> <p>14 MS. CARLISLE: Thank you. 15 I'm going to hand you now what has been 16 marked as Exhibit No. 106. 17 (Exhibit 106 was marked for identification.)</p> <p>18 BY MS. CARLISLE:</p> <p>19 Q. Mr. Keller, would you agree with me that 20 Exhibit No. 106 is a letter from -- signed by you to 21 Bernard L. Madoff Investment Securities dated 22 August 29th, 2007, requesting a withdrawal in the 23 amount of \$100,000?</p> <p>24 A. I agree.</p> <p>25 MS. CARLISLE: Okay. Going to hand you now</p>	<p style="text-align: center;">Page 104</p> <p>1 A. I agree. 2 MS. CARLISLE: Thank you. 3 Mr. Keller, I'm going to hand you what has 4 been marked Exhibit No. 110. 5 (Exhibit 110 was marked for identification.)</p> <p>6 BY MS. CARLISLE:</p> <p>7 Q. In looking at Exhibit No. 110, would you 8 agree with me that Exhibit 110 appears to be a 9 letter from you dated November 26, 2007, to Bernard 10 L. Madoff Investment Securities requesting a 11 withdrawal in the amount of \$100,000?</p> <p>12 A. I agree. 13 MS. CARLISLE: Okay. Going to hand you 14 what has been marked as Exhibit 111. 15 (Exhibit 111 was marked for identification.)</p> <p>16 BY MS. CARLISLE:</p> <p>17 Q. Would you agree with me that Exhibit 111 18 appears to be a copy of a check from Bernard L. 19 Madoff to you dated November 30th of 2007 in the 20 amount of \$100,000?</p> <p>21 A. I agree. 22 Q. And can you confirm for me whether or not 23 that's your endorsement and signature on the back of 24 the check? 25 A. I confirm.</p>
<p style="text-align: center;">Page 103</p> <p>1 what has been marked as Exhibit No. 107. 2 (Exhibit 107 was marked for identification.)</p> <p>3 BY MS. CARLISLE:</p> <p>4 Q. And, Mr. Keller, would you agree with me 5 that Exhibit No. 107 appears to be a copy of a check 6 from Bernard Madoff to Gerald Keller dated 7 August 31, 2007, in the amount of \$100,000?</p> <p>8 A. Agreed.</p> <p>9 Q. Can you confirm for me whether or not that 10 is your endorsement and signature on the back of the 11 check? 12 A. I confirm. 13 Q. Thank you. 14 And comparing Exhibit No. 107 -- or looking 15 at Exhibit 107, would you agree that appears to 16 correspond with the request we looked at in 17 Exhibit No. 106? 18 A. Yes, I agree. 19 MS. CARLISLE: Okay. Now going to hand you 20 what has been marked as Exhibit 108. 21 (Exhibit 108 was marked for identification.)</p> <p>22 BY MS. CARLISLE:</p> <p>23 Q. And, Mr. Keller, comparing No. 108 to 24 Exhibit 107, would you agree that these both appear 25 to be a photocopy of the same check?</p>	<p style="text-align: center;">Page 105</p> <p>1 Q. Thank you. 2 And in comparing Exhibits Nos. 111 and 110, 3 would you agree that it appears the check in 111 4 conforms with your request in Exhibit 110?</p> <p>5 A. I agree. 6 MS. CARLISLE: Thank you. 7 I'm going to hand you what has been marked 8 as Exhibit No. 112. 9 (Exhibit 112 was marked for identification.)</p> <p>10 BY MS. CARLISLE:</p> <p>11 Q. Mr. Keller, in comparing Exhibits 112 and 12 111, would you agree with me those both appear to be 13 photocopies of the same check?</p> <p>14 A. I agree. 15 MS. CARLISLE: Okay. Thank you. 16 Just so you know, I've got two more. 17 THE WITNESS: When she runs out of those 18 two, I'll use the john again. 19 MS. CARLISLE: Okay. That's fine with me. 20 I'm going to hand you now what has been 21 marked as Exhibit No. 114. 22 (Exhibit 114 was marked for identification.)</p> <p>23 BY MS. CARLISLE:</p> <p>24 Q. Mr. Keller, would you agree with me 25 Exhibit No. 114 is a letter from you dated</p>

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<p>1 December 27 of 2007 to Bernard L. Madoff Investment 2 Securities requesting a withdrawal in the amount of 3 \$200,000.</p> <p>4 A. I agree.</p> <p>5 MS. CARLISLE: Okay. And I'm going to hand 6 you what has been marked as Exhibit No. 115. 7 (Exhibit 115 was marked for identification.)</p> <p>8 BY MS. CARLISLE:</p> <p>9 Q. Mr. Keller, would you agree with me that 10 Exhibit No. 115 is a photocopy of a check from 11 Bernard L. Madoff to you dated December 28, 2007, in 12 the amount of \$200,000?</p> <p>13 A. I agree.</p> <p>14 Q. And looking at the back of the check, can 15 you confirm whether or not that is your endorsement 16 and signature?</p> <p>17 A. I confirm.</p> <p>18 Q. Thank you.</p> <p>19 And in comparing Exhibit 114 and 115 would 20 you agree it appears the check in Exhibit 115 21 appears to correspond with your request in 22 Exhibit 114?</p> <p>23 A. I agree.</p> <p>24 MS. CARLISLE: Okay. Then let's go off the 25 record.</p>	<p>1 as Exhibit No. 120. 2 (Exhibit 120 was marked for identification.)</p> <p>3 BY MS. CARLISLE:</p> <p>4 Q. And, Mr. Keller, would you agree with me 5 that Exhibit 120 is a photocopy of a check from 6 Bernard L. Madoff to you dated February 21st, 2008, 7 in the amount of \$100,000?</p> <p>8 A. I agree.</p> <p>9 Q. And can you confirm for me whether or not 10 that is your signature and your endorsement on the 11 back of the check?</p> <p>12 A. It is.</p> <p>13 MS. CARLISLE: Thank you.</p> <p>14 I'm now going to hand you what has been 15 marked as Exhibit No. 121. 16 (Exhibit 121 was marked for identification.)</p> <p>17 BY MS. CARLISLE:</p> <p>18 Q. And, Mr. Keller, would you agree with me 19 that Exhibits No. 120 and 121 both appear to be 20 photocopies of the same check?</p> <p>21 A. Yes, they appear to be.</p> <p>22 MS. CARLISLE: Thank you.</p> <p>23 I'm going to hand you what has been marked 24 as Exhibit No. 124. 25 (Exhibit 124 was marked for identification.)</p>
<p>1 THE VIDEOGRAPHER: We're off the record at 2 12:59 p.m. 3 (Recess taken.)</p> <p>4 THE VIDEOGRAPHER: We're back on the record 5 at 1:12 p.m.</p> <p>6 MS. CARLISLE: Okay. Mr. Keller, I'm going 7 to hand you what has been marked as Exhibit 116. 8 (Exhibit 116 was marked for identification.)</p> <p>9 BY MS. CARLISLE:</p> <p>10 Q. And in comparing Exhibit 115 and 116, would 11 you agree with me that those both appear to be 12 photocopies of the same check?</p> <p>13 A. Yes.</p> <p>14 MS. CARLISLE: Okay. I'm now going to hand 15 you what has been marked as Exhibit No. 119. 16 (Exhibit 119 was marked for identification.)</p> <p>17 BY MS. CARLISLE:</p> <p>18 Q. Okay. Mr. Keller, would you agree with me 19 that Exhibit 119 is a letter from you dated 20 February 19th, 2008, to Bernard L. Madoff Investment 21 Securities requesting a withdrawal in the amount of 22 \$100,000?</p> <p>23 A. I agree.</p> <p>24 MS. CARLISLE: Thank you. 25 I'm going to hand you what has been marked</p>	<p>1 BY MS. CARLISLE: 2 Q. Mr. Keller, would you agree with me 3 Exhibit 124 appears to be a letter from you dated 4 March 24th, 2008, to Bernard L. Madoff Investment 5 Securities requesting a withdrawal in the amount of 6 \$125,000?</p> <p>7 A. I agree.</p> <p>8 Q. Okay. And can you confirm whether or not 9 that's your signature at the bottom?</p> <p>10 A. It is.</p> <p>11 MS. CARLISLE: Thank you.</p> <p>12 I'm going to hand you what has been marked 13 as Exhibit No. 125. 14 (Exhibit 125 was marked for identification.)</p> <p>15 BY MS. CARLISLE:</p> <p>16 Q. Would you agree that Exhibit 125 appears to 17 be a photocopy of a check from Bernard Madoff to you 18 dated March 27th, 2008, in the amount of \$125,000?</p> <p>19 A. I agree.</p> <p>20 Q. And can you confirm for me whether or not 21 that is your signature and endorsement on the back 22 of the check?</p> <p>23 A. I confirm.</p> <p>24 Q. Thank you. 25 And in looking at Exhibit No. 125, would</p>

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<p>1 you agree with me that it appears to correspond with 2 the request in Exhibit No. 124?</p> <p>3 A. I agree.</p> <p>4 MS. CARLISLE: Thank you.</p> <p>5 Im going to hand you what has been marked 6 as Exhibit 126. 7 (Exhibit 126 was marked for identification.)</p> <p>8 BY MS. CARLISLE:</p> <p>9 Q. And, Mr. Keller, in comparing Exhibits 125 10 and 126, would you agree that those appear to be 11 copies of the same check?</p> <p>12 A. I agree.</p> <p>13 MS. CARLISLE: Thank you.</p> <p>14 Im going to hand you now what has been 15 marked as Exhibit 130. 16 (Exhibit 130 was marked for identification.)</p> <p>17 BY MS. CARLISLE:</p> <p>18 Q. And, Mr. Keller, would you agree with me 19 that Exhibit 130 is a letter from you to Bernard L. 20 Madoff Investment Securities dated May 12th, 2008, 21 requesting a withdrawal in the amount of \$150,000?</p> <p>22 A. I agree.</p> <p>23 MS. CARLISLE: Okay. Im going to hand you 24 what has been marked as Exhibit 131. 25 (Exhibit 131 was marked for identification.)</p>	<p>1 Okay. Mr. Keller, Im going to hand you 2 what has been marked as Exhibit No. 135. 3 (Exhibit 135 was marked for identification.)</p> <p>4 BY MS. CARLISLE:</p> <p>5 Q. Would you agree with me that 6 Exhibit No. 135 is a letter from you dated 7 June 25th, 2008, to Bernard L. Madoff Investment 8 Securities requesting a withdrawal in the amount of 9 \$350,000?</p> <p>10 A. I agree.</p> <p>11 MS. CARLISLE: Okay. Im going to hand you 12 what has been marked as Exhibit No. 136. 13 (Exhibit 136 was marked for identification.)</p> <p>14 BY MS. CARLISLE:</p> <p>15 Q. And, Mr. Keller, would you agree with me 16 that Exhibit No. 136 appears to be a copy of a check 17 from Bernard L. Madoff to you dated June 27th, 2008, 18 in the amount of \$350,000?</p> <p>19 A. I agree.</p> <p>20 Q. And can you confirm for me whether or not 21 that is your signature and endorsement on the back 22 of the check?</p> <p>23 A. I confirm.</p> <p>24 Q. Thank you.</p> <p>25 And would you agree that the check in</p>
<p>1 BY MS. CARLISLE:</p> <p>2 Q. And, Mr. Keller would you agree Exhibit 131 3 is a copy of a check from Bernard Madoff to you 4 dated May 16, 2008, in the amount of \$150,000?</p> <p>5 A. I agree.</p> <p>6 Q. And can you confirm for me whether or not 7 that is your signature and endorsement on the back 8 of the check?</p> <p>9 A. I confirm.</p> <p>10 Q. Thank you.</p> <p>11 And in looking at Exhibit 131, would you 12 agree that it appears to correspond with the request 13 in Exhibit No. 130?</p> <p>14 A. Yes.</p> <p>15 MS. CARLISLE: Thank you.</p> <p>16 Mr. Keller, Im going to hand you what has 17 been marked as Exhibit No. 132. 18 (Exhibit 132 was marked for identification.)</p> <p>19 BY MS. CARLISLE:</p> <p>20 Q. Mr. Keller, would you agree with me that 21 the check you're looking at as Exhibit No. 132 22 appears to be a copy of the same check we looked at 23 in Exhibit No. 131?</p> <p>24 A. Yes, I agree.</p> <p>25 MS. CARLISLE: Thank you.</p>	<p>1 Exhibit 136 appears to correspond with the request 2 in Exhibit No. 135?</p> <p>3 A. Yes, I agree.</p> <p>4 MS. CARLISLE: Thank you.</p> <p>5 Im going to hand you now what has been 6 marked as Exhibit No. 137. 7 (Exhibit 137 was marked for identification.)</p> <p>8 BY MS. CARLISLE:</p> <p>9 Q. And, Mr. Keller, would you agree with me 10 that the check in Exhibit 137 appears to be a copy 11 of the same check we just looked at in 12 Exhibit No. 136?</p> <p>13 A. Yes.</p> <p>14 MS. CARLISLE: Thank you.</p> <p>15 Im going to hand you what has been marked 16 as Exhibit No. 140. 17 (Exhibit 140 was marked for identification.)</p> <p>18 BY MS. CARLISLE:</p> <p>19 Q. Mr. Keller, would you agree that Exhibit 20 No. 140 is a letter from you dated August 27th, 21 2008, to Bernard L. Madoff Investment Securities 22 requesting a withdrawal in the amount of \$150,000?</p> <p>23 A. I agree.</p> <p>24 MS. CARLISLE: Okay. Im going to hand you 25 now what has been marked as Exhibit No. 141.</p>

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30 (Pages 114 to 117)

<p style="text-align: center;">Page 114</p> <p>1 (Exhibit 141 was marked for identification.)</p> <p>2 BY MS. CARLISLE:</p> <p>3 Q. Would you agree with me that</p> <p>4 Exhibit No. 141 is a check from Bernard Madoff to</p> <p>5 you dated September 2nd, 2008, in the amount of</p> <p>6 \$150,000?</p> <p>7 A. Yes, I agree.</p> <p>8 Q. And can you confirm that that's your</p> <p>9 signature and endorsement on the back of the check?</p> <p>10 A. I confirm.</p> <p>11 Q. And would you agree that the check in</p> <p>12 Exhibit 141 appears to correspond with the request</p> <p>13 in Exhibit No. 140?</p> <p>14 A. Yes.</p> <p>15 MS. CARLISLE: Okay. And I'm going to hand</p> <p>16 you now what's been marked as Exhibit No. 142.</p> <p>17 (Exhibit 142 was marked for identification.)</p> <p>18 BY MS. CARLISLE:</p> <p>19 Q. And, Mr. Keller, in comparing</p> <p>20 Exhibits No. 141 and 142, do you agree with me those</p> <p>21 both appear to be copies of the same check?</p> <p>22 A. Yes, I do.</p> <p>23 Q. And as we've been going through this last</p> <p>24 set of transfers, you've been marking on this --</p> <p>25 A. Yes, just keeping track.</p>	<p style="text-align: center;">Page 116</p> <p>1 other than the exhibits that we've been discussing?</p> <p>2 A. Just a confidential letter from her just</p> <p>3 describing what today would be like.</p> <p>4 Q. And stepping back because I have some</p> <p>5 concerns about that, when you say you referenced it,</p> <p>6 did you actually reference it in developing your</p> <p>7 answers today or did you just reference it during</p> <p>8 breaks?</p> <p>9 A. Just during breaks, just to see -- just so</p> <p>10 I knew what was going to happen or what was going</p> <p>11 on.</p> <p>12 Q. Okay. So nothing in that affected the</p> <p>13 substance of your answers as far as --</p> <p>14 A. No.</p> <p>15 Q. Okay. In the last couple hours maybe we've</p> <p>16 been going through a bunch of checks and letters</p> <p>17 that relate to the transfers that are in Exhibit B</p> <p>18 to the Complaint.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Before today since 2010 when the lawsuit</p> <p>21 was filed, between 2010 and today, have you seen any</p> <p>22 of those records?</p> <p>23 A. No.</p> <p>24 Q. So you did not review any of those in</p> <p>25 developing answers to the discovery or the Complaint</p>
<p style="text-align: center;">Page 115</p> <p>1 Q. And when you say "keeping track," just for</p> <p>2 purposes of the record what are you keeping track</p> <p>3 of?</p> <p>4 A. Just as we go along to see how many are</p> <p>5 left.</p> <p>6 Q. Oh, okay. Just kind of like checking</p> <p>7 things off so you know where we're going?</p> <p>8 A. Yes, so I knew where I was.</p> <p>9 Q. Certainly understand that.</p> <p>10 A. This is yours, by the way. I thought I was</p> <p>11 doing mine.</p> <p>12 Q. It is hers. It is hers technically at the</p> <p>13 end of the day.</p> <p>14 A. I know you were concerned about the dots.</p> <p>15 I apologize.</p> <p>16 Q. That's okay. That's fine.</p> <p>17 But since you mentioned it, you mentioned</p> <p>18 that you had a copy as well. Other than any</p> <p>19 information, like documents you received from</p> <p>20 counsel that are privileged correspondence from</p> <p>21 counsel, did you bring any other documents today</p> <p>22 with you related to this case?</p> <p>23 A. No.</p> <p>24 Q. Okay. And during the deposition when we've</p> <p>25 been on the record have you referenced any documents</p>	<p style="text-align: center;">Page 117</p> <p>1 or anything like that?</p> <p>2 A. No.</p> <p>3 Q. No. Okay.</p> <p>4 A. Not that I recall.</p> <p>5 Q. Okay. And I know you'd mentioned that</p> <p>6 Mr. Levine was the individual who handled all of the</p> <p>7 documentation for the case and everything.</p> <p>8 A. Right.</p> <p>9 Q. At any time did Mr. Levine review the</p> <p>10 discovery responses which were the interrogatories</p> <p>11 and assist in helping you to either draft answers or</p> <p>12 confirm the accuracy of those answers?</p> <p>13 A. No. Basically he just sent the information</p> <p>14 he had.</p> <p>15 Q. Okay. And just to clarify, when you say</p> <p>16 "information," was that in the form of just the</p> <p>17 documents themselves?</p> <p>18 A. Yeah, the documents.</p> <p>19 Q. Did he send you any memos or any</p> <p>20 descriptions?</p> <p>21 A. No.</p> <p>22 MS. CARLISLE: Okay. I have no further</p> <p>23 questions. I pass the witness.</p> <p>24 MS. ALLIM: I don't have any questions for</p> <p>25 you, Mr. Keller. Thank you so much for your</p>

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1 patience and time today.
 2 THE WITNESS: Are we all done?
 3 MS. CARLISLE: We are off the record.
 4 THE VIDEOGRAPHER: This concludes today's
 5 deposition. We're off the record at 1:24 p.m.
 6 THE REPORTER: Counsel, on the phone, do
 7 you need a copy?
 8 MS. ALLIM: No. We're not ordering a copy
 9 at this time.
 10 THE REPORTER: Thank you.
 11 (The deposition was concluded at 1:24 p.m.)
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1 I hereby declare under penalty of perjury
 2 under the laws of the State of California that I
 3 have read the foregoing deposition and that the
 4 testimony contained therein is a true and correct
 5 transcript of my testimony given at said time and
 6 place.
 7 Dated this _____ day of _____,
 8 2017, at _____, _____.

10
 11 _____
 12 Signature of Witness
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1 Case: Picard V Keller Trust
 2 Deposition of: GERALD KELLER
 3 Date taken: September 13, 2017
 4 PAGE LINE WAS/CHANGE TO
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 22 _____
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 24 Date: _____
 25 Signature: _____

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1 CERTIFICATE
 2 OF
 3 CERTIFIED SHORTHAND REPORTER
 4

5 I, Stephanie P. Borthwick, Certified
 6 Shorthand Reporter of the State of California, do
 7 hereby certify:

8 That the foregoing deposition was taken
 9 before me at the time and place therein set forth,
 10 at which time the witness was duly sworn by me;

11 That the testimony of the witness and all
 12 objections made at the time of the examination were
 13 recorded stenographically by me and thereafter
 14 transcribed, said transcript being a true copy of my
 15 shorthand notes thereof, and a true record of the
 16 testimony given by the witness.

17 In witness whereof, I have subscribed my
 18 name this date: September 17, 2017.

19
 20
 21
 22
 23 STEPHANIE P. BORTHWICK, CSR
 24 Certificate No. 12088
 25

A	Adversary		
a.m		112:5,10,15,19,25 113:3,9,19,23 114:3,7	6:1 AMF00058408
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